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Friday 30 November 2001

Journal des débats (Hansard)

Vendredi 30 novembre 2001

**Standing committee on
finance and economic affairs**

**Comité permanent des finances
et des affaires économiques**

Ontarians with Disabilities
Act, 2001

Loi de 2001 sur les personnes
handicapées de l'Ontario

Chair: Marcel Beaubien
Clerk: Susan Sourial

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
FINANCE AND ECONOMIC AFFAIRS**

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

Friday 30 November 2001

Vendredi 30 novembre 2001

The committee met at 0901 in the Crowne Plaza Hotel in Ottawa.

**ONTARIANS WITH DISABILITIES
ACT, 2001**

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

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

The Chair (Mr Marcel Beaubien): I would like to bring the standing committee on finance and economic affairs to order. The standing committee is meeting this morning to consider Bill 125, An Act to improve the identification, removal and prevention of barriers faced by persons with disabilities and to make related amendments to other Acts.

I would also point out that this committee will meet in Windsor on December 4, in Toronto on December 4 and 5, in Thunder Bay on December 6 and in Sudbury on December 7.

**MULTIPLE SCLEROSIS SOCIETY
OF CANADA, OTTAWA CHAPTER**

The Chair: I would like to invite the first presenter this morning, the Multiple Sclerosis Society of Canada, Ottawa chapter. I would ask the presenters to come forward and state their names for the record. You have 20 minutes for your presentation this morning. On behalf of the committee, welcome.

Mr Bill Morris: Thank you. My name is Bill Morris. I'm the chair of the board of the MS Society, Ottawa chapter. With me are Chris Pomroy, who has been a member of our board of directors and is now a member of our social action committee; and Alf Gunter, who has also spent a long time on our board and the social action committee. They both have long experience with the issues we're dealing with today, having family members affected by the disease.

We have fairly brief remarks today and would welcome your questions following that time.

We represent the Ottawa chapter of the Multiple Sclerosis Society of Canada. MS is the most common neurological disease affecting young adults in Canada, which has among the highest rates of the disease in the world. It is estimated that 20,000 people have MS in Ontario, including 800 in the Ottawa chapter. Among the symptoms of MS are loss of balance, impaired speech, extreme fatigue, impaired vision and paralysis. On a more personal note, I probably know a couple of hundred people within our chapter and I've never met one who has basically the same grab bag of symptoms that I have. So while it is a disease that is by its nature progressive, individuals are diagnosed relatively young in life, so they're dealing with the effects of the disease for a very long time. The bottom line is that for the vast majority the disease has a significant impact on their lives, in fact generally on all aspects of their lives, ranging from education to work, family, housing, you name it. So with that context in mind, we'd just like to impress upon the committee that many of our members could benefit from a strong and effective Ontarians with Disabilities Act.

We thank the minister for all the hard work he has done on behalf of persons with disabilities. Unlike the previous bill that was later withdrawn, we now have proposed legislation that is worthy of constructive criticism.

We are pleased that the definition of "disabilities" is sufficiently broad to encompass all groups which need to be included. We would suggest changes, such as using generic terms, rather than naming specific diseases, but this is only a minor shortcoming of the bill.

We are pleased with the broad definition of "public sector," by including educational institutions, hospitals and municipalities. We do not like, however, that these requirements are being referred to as guidelines or that they will not be subject to the provisions of the Regulations Act. As such, directives of the ministry are not subject to public consultation. If details are to be spelled out in the regulations, such as in clause 22(1)(h), "specifying a time period," we would expect that the draft regulations would be subject to public consultation.

We are pleased that you will establish an Accessibility Advisory Council of Ontario and that a majority of its members will be persons with disabilities. We would like to see the size of this council established, within limits. It must be sufficiently large that all major forms of disabilities would be represented, perhaps from 15 to 24 persons. As an example, the city of Ottawa has established

two advisory committees that deal with issues affecting persons with disabilities: an accessibility committee and a mobility committee. Each has 15 members, and in the case of the accessibility committee, at least, this is no larger than necessary. We are also pleased that you will establish an Accessibility Directorate of Ontario to support the accessibility committee and the ministry.

It is a positive for the broad public sector that accessibility plans are required initially, made available to the public, and that there is a requirement to consult with the accessibility directorate for Ontario ministries and advisory committees for municipalities. As it is not possible to levy fines or other penalties in the public sector, it is especially important that timelines be established for removal of barriers, such that progress can be measured against these plans. Failure to develop schedules is likely to result in good intentions that are never met. It would seem reasonable to suggest that all barriers identified initially be eliminated in stages over a five-year period and that new barriers identified in subsequent annual reviews also be eliminated within five years of being identified. We are extremely disappointed that there are no timelines for removal of barriers in the public sector and, unless amendments are made to provide them, we cannot offer our support for this legislation.

If we have reservations about some aspects of the proposed legislation as regards the public sector, these become insignificant in comparison to those in the private sector, which is specifically excluded from its provisions. Indeed, it is the private sector that presents the most barriers to persons with disabilities, such as this hotel, for example, both in terms of employment and access to goods and services. In countries where the elimination of these barriers has been made mandatory, the costs have not been found to be prohibitive and considerable economic advantages have accrued. Tourists with disabilities from these countries, including the United States, consider Canada a backwater and often do not return. As more persons with disabilities are able to enter the workforce, they are removed from the welfare rolls, pay taxes and purchase more goods and services. Modifications that are put in place to assist persons with disabilities, such as automatic door openers, for example, have been found to be useful to many others: mothers with baby carriages and strollers, persons carrying parcels, and the frail elderly, for example. The economic advantages to society in mandating the private sector to avoid and eliminate barriers are so compelling that it is difficult to understand the position the government has taken.

We regret that we must voice our opposition to the bill at this time, unless you are prepared to make mayor amendments, these to include mandatory requirements, timetables for both the public and private sectors and an enforcement mechanism to ensure compliance by the private sector.

That concludes our remarks. We welcome any questions.

0910

The Chair: Thank you very much. We have approximately two minutes per caucus and I'll start with the official opposition.

Mr Richard Patten (Ottawa Centre): First of all, I welcome the committee here to Ottawa Centre today in this blustery weather. Nevertheless, we hope that the members have the warmth of compassion to listen very carefully.

Thank you very much, gentlemen, for appearing this morning and sharing with us. You will observe a pattern, I expect, throughout the day, a similar response that, "Look, the intentions are there but there's no substance—even if there were incentives, but something on the table that would provide, especially the private sector, some opportunities to move ahead." You referred to the city and its initiatives to try to do something. I think those are two areas.

But I would ask you this: could you be specific? Do you have in your mind something, an example, of what we're talking about? Because the big fear in the government, you know, is this is going to cost the private sector a heck of a lot of money and would make us less competitive etc. Of course, that doesn't really bear out when you scrutinize other examples in other jurisdictions and other countries. Could you give us a specific example of what might occur?

Mr Morris: Sure. Alf Gunter has spent a great deal of time on this area and I'll ask him to respond to your question.

Mr Alfred Gunter: One thing that happened, in this very room about nine months ago we were at a meeting and the gentleman—I can't remember his name right now—who was instrumental in the Reagan cabinet in bringing in the Americans with Disabilities Act spoke to us. He said there was not one business that had gone bankrupt in the United States because of the Americans with Disabilities Act. There are a lot of little things you can do and a lot of it is attitudinal. Bill has mentioned putting push buttons on doors. That doesn't cost a great deal of money. Single-step ramps don't cost a great deal of money.

My wife is in a full-size electric wheelchair. We were in Niagara-on-the-Lake this summer to see a couple of plays. We had a little vacation tied in with an extended-family wedding. One of the three theatres is accessible, and that's the one we wanted to go to, fortunately. But when we started looking for accommodation, we found that even though some of them are listed as being accessible, a phone call tells you, "Oh, yes, our restaurant is accessible, but you can't stay here." We found one bed and breakfast place in the whole area of Niagara-on-the-Lake, that whole area down there. We could have stayed in St Catharines at the Comfort Inn, as we've done before, but we were looking for something a little special, and really it wasn't available.

This lady had gone to a great deal of trouble to make hers accessible, to make us feel comfortable, but it still wasn't very good. We couldn't go into any of the shops.

Of course, they're very concerned about the heritage aspect of the community, but there was no sign on the door saying, "Please ring and we'll put a ramp out for you," nothing like that. Looking at this proposed legislation, nothing is going to change at all. The same situation will exist.

Mr Tony Martin (Sault Ste Marie): Thank you for coming this morning. We appreciate you taking the time to look at the bill and to prepare and present such a concise and, I think, very good critique.

You say, at the bottom of the first page, "As it is not possible to levy fines or other penalties," and then you talk about some timelines. Do you think that the timelines, without penalties, will actually work?

Mr Morris: I think it would be a step in the right direction that might be palatable. It's not really what we'd want to see, but at least organizations, in putting forward a plan, would get more specific about how exactly they would intend to make it happen. As I say, it is not what we would really like to see.

Mr Martin: What would you really like to see?

Mr Gunter: I really don't know in the public sector if there is a great deal more. Of course, we need to be sure that the people who are reviewing these things are sympathetic to people with disabilities. I know these plans are going to be reviewed, that's the way the legislation reads, but I really feel that if you included all municipalities instead of having those under 10,000 being exempt from it, and if you had timelines and you were careful in the selection of the people who were reviewing this, really I feel this is about all you can do. Perhaps I'm saying the same thing as Bill here, but you put a lot of pressure on people to do things and you make them accountable for things they said they were going to do. That's about the only thing you can do in the public sector.

Mr Morris: In my experience as a federal bureaucrat, making additional funding contingent on being program-sensitive is often a way to make things happen, but that is an implementation issue that means that the legislation has to be taken to heart. Timelines sometimes help make that a realistic environment that the centre of government, which is providing money to ministries, can look and see, "Is this done? Does this meet the needs of this program that we're pushing at the moment?"

Mr John O'Toole (Durham): Thank you very much for your presentation this morning. It's important to hear over the next few days from all sectors the response to this discussion on this bill.

I just want to be clear on your concluding remark. You said that you "regret" that you "must voice opposition to the bill," basically for three reasons. You've sort of spoken to them but I'll give you a chance to respond if you wish.

In specific terms, the mandatory requirements, timetables and the enforcement mechanisms seem to be the three areas that aren't specific enough for you. If you have any advice going forward, either in the legislation

or with respect to the consultation process and advisory committees, I'd be happy to have those on the record.

Mr Morris: I'll ask Chris Pomroy to respond.

Mr Chris Pomroy: Particularly in reference to the regulations, which it appears may be the way in which this will be implemented, it does make reference to timelines etc in the regulations but there is nothing in the act that says when the regulations will be put into place. It would seem that some amendment or some reference to "the regulations shall be enacted within six months," or something like that would help.

Mr O'Toole: That would be more of the timeline part of it, but in enforcement: do you have any ideas with respect to enforcement? I think I heard you say time initiatives to funding or joint funding or other support mechanisms. Is there any other enforcement? I think the disability parking is probably the best example of something all of us have to consider and there are mechanisms in here to make that a no-no; but it's part of the education that we could improve by educating the public first and then having appropriate responses to that.

0920

Mr Gunter: Actually, it's unfortunate that the big dollar figure went in for disability parking, because we haven't found that, at least in this area, the major issue recently. People are now educated and sympathetic enough that it doesn't happen very often, and when it does, the \$70 fine or whatever it is is sufficient that they're not likely to try it again.

In any field—if you, say, have pollution—there's a fine, and this is the type of thing you need. If you've said you're going to do something, if the law says something has to be done by a certain period of time, be that five years, 10 years, and you fail to comply, there's a mechanism, there are laws, there are penalties, and you just have to decide what they are and go through the normal course to ensure that they're enforced.

I can't be more specific than that. I don't think there's anything special that you would put into any other type of legislation that you would have.

The Chair: With that, we've run out of time. On behalf of the committee thank you very much for your presentation this morning.

ALAN SHAIN

The Chair: Our next presentation is from Alan Shain. I would ask Mr Shain to please come forward; if you could please state your name for the record. On behalf of the committee, welcome. You have 20 minutes for your presentation this morning.

Mr Alan Shain: Forgive the technical difficulties. My parallel parking ability is not that good at 9 am.

My name, for the record, is Alan Shain and I'm presenting as an individual citizen. I believe in the intent of Bill 125, which is to remove all barriers that prevent Ontarians with disabilities from leading full and productive lives, but I do not see how, in its current format, Bill 125 would remove any barriers.

For example, a new bagel shop opened only one block away from where I live. It has one step to get in—a brand new shop. I don't see how Bill 125 would remove that one step, which would cost no more than maybe \$100. If Bill 125 cannot remove that simple, straightforward barrier, then how effective is it?

On a more serious matter, people with disabilities do not have adequate access to medical care and treatment here in Ontario. I'm not talking about specialized treatment. I'm talking about access to basic medical care, things like regular physical checkups and access to walk-in clinics. Most clinics have stairs. Most medical offices are too small to get a wheelchair into. There's only one office in Ottawa which has a lift to transfer patients from their wheelchairs on to the examination table. There are 60,000 people here with mobility impairments.

I don't see how Bill 125 legislates improved access to medical care. The bill allows the government to create a wide range of regulations. However, it doesn't require that any regulations are actually enacted and followed.

I have two main recommendations. The first is that there be specific timelines set down in the bill, as to when these barriers will be removed. Bill 125 currently only provides for plans to identify barriers, not their removal. Specifically, the bill should be amended to provide that the government of Ontario shall become barrier-free within five years of this act coming into force.

My second recommendation is that there be strict enforcement procedures set down within the bill regarding barrier removal, with penalties for non-compliance. Currently, the only specified penalty is for illegally parking in a spot reserved for disabled people.

For example, the section under "government employees" covers accommodation, with respect to interviewing, hiring and promoting of people with disabilities, but this is already covered under human rights legislation. The problem is enforcing these standards within government practices, something which Bill 125 is currently silent on. What body is going to enforce these standards? What will their relationship be to the government of Ontario? How will this body of enforcement be funded?

0930

The requirement of each ministry to draw up accessibility plans, I believe, is new and I like that. But Bill 125 again needs to specify strict deadlines as to when these plans would be completed and implemented; who will review these plans and their implementation; that the disability community directs these plans, not merely advises; that there will be a complaints procedure; and that there will be strict penalties for non-compliance.

These same problems exist with the municipalities' accessibility plans, except that the bill does specify an advisory committee for people with disabilities, which again is good. But it still does not put people with disabilities in the driver's seat. Advice from an advisory committee can be discarded.

Under the section "Other organizations, agencies and persons," the bill provides that a list of actions these

agencies intend to take shall be made available to the public, which again is a good thing. But Bill 125 says nothing about what happens if these actions are not taken.

Under "Restrictions on agencies," Bill 125 specifically exempts private companies. This is a major concern to me. In this era of downloading public services to private companies via contracting out, Bill 125 would actually impact on fewer and fewer services which I rely on to live. For example, in Ottawa, Para Transpo is contracted out to Laidlaw, a private company with its own rules and regulations on how it operates.

In closing, Bill 125's purpose should be the achievement of a barrier-free Ontario for all people with disabilities. It should cover all disabilities, whether physical, mental or sensory. It should not only remove physical barriers, but also barriers to service and attitudinal barriers. This can only be done through the provision of strict time limits that are enforced with heavy penalties for non-compliance.

The Chair: Thank you very much. We have approximately three minutes per caucus. I'll start with Mr Martin.

Mr Martin: Thanks for coming this morning and thanks for what obviously is a very full critique of the bill and a very concise presentation of that critique. I think you hit all the key areas that we've been pointing to since the bill has been tabled. You talk about timelines, you talk about the ability to enforce, you present to us a very obvious example of where this bill also needs to cover the private sector, you talk about the fact that advice from an advisory committee need not be considered—it can be discarded—and you ask the question, what happens if these actions are not taken.

You add an interesting new element here that I hadn't considered and I want you to talk about it a little bit further, and that's the issue of, if it doesn't cover the private sector and we're moving to more privatization of public services, this is a neat loophole to exempt a whole lot of things that we thought might be captured. So this is even worse than first thought in that way. Could you expand a little bit on that issue for me?

Mr Shain: Only to say that, for example, home care attendant services, which many of us require to get up in the morning to go to work or whatever, are progressively more run by private companies. In my experience with Para Transpo, for example, because it's run by a private company, it's that much further removed from public input as to how it's actually run, what's actually going on in its running. So I see that Bill 125's standing back from so-called interference with the running of private companies actually does harm to my needs as a public citizen.

The Chair: We'll go to the government side.

Mr Joseph Spina (Brampton Centre): Thank you, Mr Shain. I agree with our colleague here that you had a very good critique and it was very concise. You hit many of the important points surrounding this bill. I think your simple example of the bagel shop is very pivotal, because

it illustrates perhaps some of the simpler things that could be done very quickly.

You talked about the time frame for implementation. My question is, do you have a suggestion? Could it be done on a phase-in, like government first, institutions second, and large, medium and small businesses sort of falling in line? And would it make sense that a small business like your bagel shop, if it is a simple removal that doesn't cost \$10,000 but closer to what you suggested, perhaps that is something that could be included in the first or second phase? Would that work, do you think, Alan?

Mr Shain: I'm a bit unclear what you mean by phases. I think the public and private sectors could easily work concurrently in the removal of barriers. I don't think the private sector has to wait until after the public sector to begin barrier removal. I think they can go on at the same time. I would urge the government of Ontario to provide a leading example to the private sector and I would hope that the public sector would be ahead in the removal of barriers to provide a good example to the private sector.

I would also say something that I did mean to include in my presentation about enforcement and the method of enforcement. I think a legal entity needs to be created by the bill. This legal entity should be able to operate at arm's length from the government of the day and have adequate funding and resources to ensure that the public and private sectors are following the recommendations of this bill and that this legal entity has the power to penalize those agencies that don't comply. That's something that's not in the bill and I think it's very important that the bill does create this legal entity that has the power and means to enforce the bill itself.

Failure of sound system.

Mr Spina: Thank you, Alan, and good parallel parking.

0940

Mr Ernie Parsons (Prince Edward-Hastings): I found this very informative and you've obviously put a lot of time into it. I would like to follow up on the question about phasing in. You're very clearly, I suspect, not saying that you're prepared to wait five to 10 to 15 years to phase in access to a doctor or to a hospital, or to a grocery store. Am I correct that what you're saying is that the phase-in may apply to a coffee shop but not certain fundamental services?

Mr Shain: Yes, I would agree with that statement. I think what was said before, some kind of phase-in according to the costs of the accommodation, I would find reasonable, but I would not find it reasonable that an accommodation procedure that would cost \$100 to do would take five years to do it. I wouldn't find that acceptable. So, yes, certain types of accommodations do require more time and planning and cost.

The Chair: You have one minute left, if you want to ask another question.

Mr Parsons: In your day, can you give me a rough breakdown about how much time you're looking to

access services from the public sector versus how much of your day is spent interacting with the private sector?

Mr Shain: In my day, I currently am pursuing my master's degree in university, so that's the public sector. I go to school on campus and need that to be accessible. There are certain accommodations like automatic doors. Other accommodations like access to washrooms I have to really search for. What do I do when I need to go and the nearest bathroom is down a flight of stairs? I've developed really good aim. That's not a problem any more. But it could be.

Services within university: I need support for note taking. That's much more of a challenge. It takes me time and energy to find these adequate supports to meet my needs. Within the private sector I rely on Para Transpo, which I guess is kind of in between public and private in that it is a public service but run by a private company. Again shopping and restaurants are—the market here in Ottawa is notorious for its infamous one-steps to get into 80% of stores, restaurants and coffee shops, so I really have to spend a lot of my time looking around to see where I can get in. If you think about that, there are 1.5 million Ontarians with disabilities. Multiply that by four family members who wouldn't go into any restaurant that I couldn't go into. Multiply that again by maybe 10 close friends who wouldn't go into any restaurant that I can't get into. That's upwards of about 10 million people that the government of Ontario is barring from restaurants, stores or whatever. Does that answer your question?

Mr Parsons: That's very good. Thank you.

The Chair: On behalf of the committee, thank you very much for your presentation, and don't lose your sense of humour.

Mr Shain: I'll try. Thank you.

MICHAEL BRADY

The Chair: Our next presentation this morning is from Michael Brady. I would ask Mr Brady to please come forward and state your name for the record. On behalf of the committee, welcome. You have 20 minutes for your presentation this morning.

Mr Michael Brady: Good morning and welcome to Ottawa. My name is Michael Brady. I'm a private citizen. For two and a half years I was a member of the disabilities issues advisory committee of the city of Ottawa. That committee has now been replaced by another one called the accessibility committee. I thought it might be useful to spend some time just relating some of the experiences of our committee, to give you an idea of how effective the municipal advisory committees can be but what roadblocks they currently face that hopefully would be eliminated by Bill 125.

DIAC, the Disabilities Issues Advisory Committee, I think can be looked at as a model for municipal advisory committees. I say this because a lot of the activities that we were engaged in touched many aspects of life in Ottawa, from examination of the accessibility of hotels and restaurants, as Alan has alluded to, to housing,

transportation, accessible cabs, providing awareness to councillors and city staff and presenting annual awards for some of the many things we engaged in.

0950

Among the other things we undertook a couple of years back was to do something on a proactive basis rather than reactive. We thought what we should be doing was to try to remove barriers before they were being created. We thought that if we started reviewing site plans and looking at them in some detail—I suspect that all of you who are familiar with municipal government have seen site plans. As you know, a site plan has to be approved before the building construction actually starts, so our committee undertook to start reviewing site plans to determine how many handicapped parking spaces were provided, whether there were depressed curb cuts, what the elevation was, whether ramps were provided, whether elevators were provided etc. This proved rather instructive for all of us.

One of the first things we found when we encountered a site plan for the St Laurent Shopping Centre, one of the largest shopping centres in Ottawa, which was proposed to be expanded to include an office tower and more shopping space, was that the existing Ottawa city bylaw governing the number of disabled parking spaces was woefully outdated. We found, for instance, that if you had from zero to 99 parking spaces, you needed one handicapped spot, and if you had 400 to 499, you needed four. The bill stopped at that point and said that if you had 500 spots or more, then you needed five spaces. The St Laurent Shopping Centre has 4,100 parking spaces.

So the developer could easily have been in compliance with the bylaw by providing five parking spaces. Instead, the parking requirements were far exceeded. There were 120 spots. They were gathered around the different stores. The developer was quite prepared to add more spots, because we suggested that maybe 4% of the total number of spots would be a good benchmark that he could use. But the developer said, "Listen, if I'm going to provide extra spaces, I need some concessions as well. Since a handicapped parking spot is 50% bigger than a regular spot, give me credit for that extra 50% in terms of my requirement to meet the law. For X amount of retail floor space and office space, you need X number of parking spaces. If I'm going to provide handicapped parking spots, give me the 50% more." We said, "OK. That sounds reasonable." We were prepared to do that, but amalgamation and other matters got in the way of our making recommendations to the legal staff at city hall to prepare new bylaws. They were in the process of harmonizing all the different municipal entities' bylaws across Ottawa and were going to tackle it on a going-forward basis.

The other question that comes to mind is, when looking at the question of parking spaces, what is reasonable? What should be the criteria that govern how many parking spaces? Ottawa at least has a bylaw. There are other municipalities that don't have a bylaw that requires any handicapped parking spots, we found. So what

guideline do you use? We discovered that there were something like 18,000 disabled parking permits, the blue parking permits that folks have, in the former city of Ottawa. Is that a good benchmark?

These are some of the practical problems we ran up against. Hopefully, when resolving these, we'll have a council that would be receptive and would take this into consideration and enact new laws. Under Bill 125, if that power is given to the advisory committee, certainly that would happen.

Among the other things we found when we were doing the audit of the site plan at the St Laurent Shopping Centre was that on the east side we had The Bay anchoring it and on the west side we had Sears. The Bay had all accessible doors. They had washrooms that were user-friendly for all, disabled and non-disabled. They had signage that showed where the elevators were, where the escalators were etc. The Sears store did not have accessible doors. There were 45 parking spaces gathered around the west end of the mall. Disabled persons getting out of their cars, going over to the door, would have to rely on an able-bodied person to open the door for them. They couldn't get in the store. So we talked to the developer and he said, "Sure, we'll do something about that." They made a commitment when the site plan was approved that they would install automatic doors. Well, six months later I went by St Laurent and the door still hadn't been installed. I called and asked what the status was and they said, "It's coming." It did come a couple of months later.

In the meantime I wrote a letter to Mr Walters, the chairman of Sears, and asked them what their policy was with regard to accessible doors, pointing out that their other store in Ottawa, Carlingwood, didn't have accessible doors either. I asked him if he would make a commitment that his company would install automatic doors in a reasonable time frame across the nation, actually. Two months later I still hadn't had a reply, so I sent another letter. On November 9 I had a letter from the vice-president of retail, indicating that they found my letter interesting and they'd like to meet with us to talk about disability issues, because this individual was a member of the Retail Council of Canada. I guess the Eatons store opening and other matters prevailed on the individual's time and she never did meet with us or call us.

I did get another letter in December, however, from the general manager, store planning and visual merchandising, who indicated that the Sears Carlingwood store, which required updating, would be addressed in the summer of 2001. I went by Carlingwood the other day and the store hasn't been upgraded, but Sears has at least installed two out of the five doors with automatic doors.

So the private sector is not incented at the moment to do anything unless they're led to water, like a horse. They won't drink of it unless there's some penalty. For a retail store of this size—and they're not the only one; I used the Bay example at St Laurent as one that's a model, but their Bayshore store is awful. They have no

accessible doors at the second level of their Bayshore store. It's hit and miss, and the businesses will get around to it in time, as they update their stores and modernize them. So there is a need for some enforcement to be in the legislation and some timetable to be enacted. It's not a big deal. An automatic door costs \$10,000, so they told us at Sears, but the architect was flabbergasted that it would cost that much and he said we should all get into that business, because there's a lot of money to be made if it costs \$10,000 for a door.

Looking at it from a business standpoint as well, the Retail Council of Canada could get together and say, "Listen, we're going to not have any advertising on one weekend of the year, and the money we are going to save from that advertising we're going to put toward accessibility." If they did that every year, I'm sure we'd have accessible stores right across the nation in jig time.

We had another example that's illustrative too. Here's Cognos, a big company, international, that makes terrific software. It's expanding in Ottawa and put up a 10-storey building with a parking garage beside it in the south end of the city. The site plan showed that all the parking spaces were outside, none inside the garage. On a day like today you can imagine parking outside rather than inside—not that somebody couldn't park inside, but there's no way of getting access to that garage. Because the developer had to satisfy the concerns about the height of that parking garage, they recessed it and half of the first level is below ground and half is above, so the second level is above grade level as well. We asked the city council, when they were approving the site plan for Cognos, to require that there be handicapped spots in the garage and they agreed. That was a condition for the approval of the site plan.

A year and a half later we went by and did an audit and there were no handicapped spots in the indoor garage. After asking the planning staff why this was, I got no answer, but when I went by recently there were two spots. The spots are between two pillars and they're wide enough, but they're pretty awkward to get in. If someone in a wheelchair, like Alan, wanted to use that parking spot, he'd get out of his van and he'd then have to proceed up the entrance ramp against incoming traffic in order to get to ground level because they didn't put in an elevator. The developers said they were going to put an elevator in that garage; they didn't. So what are we going to do?

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Those are some examples from our history and they're illustrative of the fact that private industry is not going to comply unless there are some regulations and some penalties. Cognos is an international company. They're competing against American companies that make the same software. American companies are governed by the Americans with Disabilities Act. Our friends at Cognos are at a competitive advantage over their friends because they're not installing accessible facilities.

In summary, I think the ODA is a terrific framework for progress. The municipal and provincial advisory

committees can be mechanisms for change. As long as they have the authority to make the change and make it happen, I think we're going to see progress, and we can see it quickly. I think you can assume good judgment on the part of the advisory committees if you give them the authority. These are individuals who are taxpayers, they're employers, they're employees, they realize the economic consequences of their actions, and I think you can expect that they'll be prudent in their judgments.

That's all I have to say. I welcome any questions.

The Chair: Thank you very much. I'd like to correct an error I made. I told you that you had 20 minutes, but apparently it's only 15. But I will still give you the 20 minutes. That will give us a minute per caucus for questions. I'll start with the government side.

Mr O'Toole: Thank you very much for a very active presentation. The examples you gave of ways to engage the private sector, as you have—I think working with chambers, retail councils, is extremely important and there are ways, certainly, for all the reasons that Alan and others have said. It's about customers, it's about customer service, and there should not be barriers. I think we all grow up as we are educated. I appreciate your thoughtful suggestions and observations and I applaud that effort.

Mr Patten: Thank you, Mr Brady, for being here. I found your comments very useful. My question, though, is in terms of this legislation. I don't really see anything that strengthens the municipality's ability to enforce things. For example, you said the approval for the Cognos tower was contingent upon providing some handicapped parking spots, yet it wasn't done. What, then, are the actions of the municipality? In other words, what can they enforce?

Mr Brady: I guess if they were given the power to levy fines for non-compliance and if the fines were stiff enough based on the size of the construction etc, the level of non-compliance, that would be one measure. You could say that all retailers have to have automatic doors or whatever within two years, and if they don't they're going to have a fine of \$5,000 levied on them every year on their municipal taxes.

Mr Martin: Thank you for coming this morning and for your input. You mentioned a couple of things that I just want you to comment on. The advisory committees will be effective, you say, if they have the authority, but you also mentioned if they have a council that is receptive. If they don't have a council that's receptive, then—

Mr Brady: In that instance, the recommendations will fall on deaf ears and nothing will happen. The ODA committee in Toronto, headed by David Lepofsky—I don't know if he has appeared before your committee as yet but he has prepared quite a list of amendments that I wholeheartedly endorse. They provide the authority of the advisory councils to not only make recommendations but to have their recommendations become I guess the force of law, with the power, of course, of the council to modify them, since they're the elected officials. But let's

assume we don't have any bylaw, for instance, that governs the number of handicapped parking spots. A council shouldn't be allowed, for instance, to not have a bylaw that requires handicapped parking spots to be provided. They can't deny that, in my opinion. They could modify it and they could have different scales based upon the size of their municipality, but they couldn't deny the fact that there is a requirement for such. That is what I mean by saying that the advisory council should have the authority, if they make a recommendation that it could be modified, as long as it's such a reasonable recommendation that it can't be denied.

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

CITY OF OTTAWA
ACCESSIBILITY ADVISORY COMMITTEE

The Chair: Our next presentation this morning is from the city of Ottawa Accessibility Advisory Committee. I would ask the presenter to please come forward and state your name for the record. On behalf of the committee, welcome.

Mr Barry McMahon: My name is Barry McMahon. I'm the chair of the newly formed Accessibility Advisory Committee of the city of Ottawa. I'm here today to present comments gathered from the Accessibility Advisory Committee of the city of Ottawa.

Who are we? The accessibility advisory committee is a group of 14 volunteers appointed by city council for terms up to three years. We advise council and city staff on issues related to persons with disabilities. The committee officially meets two hours a month. In reality, the volunteers are called upon to participate much more often, advising on a myriad of topics.

The advisory committee reports through a standing committee, which in turn acts on our behalf to bring forth issues and motions to the attention of full council. This mechanism is facilitated by having a councillor as a committee non-voting member. This councillor acts as a guide and advocate through the sometimes complex municipal political process.

Our mandate is straightforward yet vast. We represent the complete spectrum of disabilities in every aspect of city life. Transportation, housing, tourism, employment, recreation, health and safety are all of concern to the committee. Every age group—youth, seniors and all in between—is considered.

Although the amalgamated city of Ottawa is new, there have been effective disability advisory committees for the past 20 years. It has been over these many years that the province has not given the municipalities much-needed direction. We have been inundated with issues that are outside municipal and fall under provincial jurisdiction.

Ottawa has no wheelchair-accessible taxis. Our buses have only just started to be barrier-free in the last two years. Not a single housing development has been con-

structed with barrier-free access. Many schools are off limits to students, parents, teachers and employees with certain disabilities, and the number of issues raised relating to the grossly inadequate Ontario building code is staggering. Each and every time, we hit the proverbial provincial logjam.

We are guardedly optimistic with the intent of the proposed legislation. We are encouraged that there will be form, structure and content. We have never seen a coordinated effort to make all people with disabilities feel that they are full participants in this great province. In many ways the process will provoke change. We see it being powerful, because for once, it directly involves the people it is supposed to assist. It raises the requirement to include people with disabilities in every aspect of city and provincial life.

Once enacted, this legislation will cause the creation of literally hundreds of accessibility plans in every part of this province. By officially making these issues part of a municipal public document, a whole new level of access awareness will be created.

1010

The economic cost associated with keeping people with disabilities segregated is enormous and will continue to grow. We're faced with high demand for special care now; imagine the future needs if we don't act immediately.

On the other hand, providing a society that includes people with disabilities directly benefits everyone. We can see the increased number of customers who shop at barrier-free businesses. We see people with disabilities accompanied by their spouses, children, friends, and often just out by themselves, shopping, travelling—1.5 million potential consumers and taxpayers who have been welcomed in some doors and yet turned away from many others. This legislation is all about good business, so we encourage you to go the extra distance and reap the financial benefits.

We ask you to make this ODA as strong as possible so that we here on the ground can start working quickly to make every aspect of our city and our province barrier-free. We ask you and, through you, we ask the Legislature to consider amending certain sections of Bill 125 that will make our task easier.

Subsection 4(2), level of accessibility, should not be there. It permits the guidelines to be as low as the standards of the Ontario building code. It's the weakest link, the minimum that could be used. Even if the code is amended to plug the holes, it has never been very helpful in preventing barriers in the built environment. The building code has many limitations and addresses only a narrow range of barriers. To accept it as a minimum standard beyond which the guidelines need not go would effectively exclude the removal and prevention of many significant barriers.

Section 11, duties of municipalities: section 11 should be amended to allow that every municipality in Ontario be included in this act. Our tourism and recreation Industry spreads out of Ottawa to small towns and villages.

Many beautiful towns like Perth are already doing their part in eliminating barriers but will not benefit from the process established through this legislation. Carleton Place is now in the process of establishing an accessibility advisory committee, as I'm sure many other small areas are doing. Shouldn't they be part of this vision? The goal is to create a barrier-free Ontario; therefore, the act must apply to all parts of the province.

Subsection 11(2), the contents: there needs to be a clearer definition of what constitutes a barrier-free plan, such as:

“(2) The barrier-free plan shall include the comprehensive identification of barriers, together with a proposed schedule for their removal, and a description of steps to be taken for the prevention of barriers to persons with disabilities. The municipality's bylaws and its policies, programs, practices and services, as well as the municipal government's workplaces, will be subject to the plan. The plan will be brought to council for approval, together with the annual budget. Council will also receive an annual report following each barrier-free plan approved.”

Our committee wonders what will be the consequences for municipalities that refuse to comply. Who takes the heat? What will be the impact on the committee's volunteer members? Are municipalities free to decide who within the corporation will have the responsibility to produce the plan?

Subsection 12(1), accessibility advisory committees: We support the establishment of advisory committees in communities of over 10,000 people. This is a fundamental component of this act. It puts disability issues on the agenda all over the province. It allows each municipality the freedom to focus on their needs, to prioritize and to put a face to the issues. If anything is brilliant about Bill 125, it is this: hundreds of barrier-free plans across the province, each with hundreds of items to work on. If each annual plan is even partially successful, the overall results will be considerable.

On the other hand, the success or failure of advisory committees lies solely in the attributes and talents of its members. An effort to facilitate the work of the committees needs to be made. We recommend training be developed for appointees and councillors so that a level of consistency is maintained throughout Ontario.

Municipalities of fewer than 10,000 people must either establish a barrier-free advisory committee or hold public consultations which include people with disabilities in these plans.

Subsection 12(2), duty of council: There are many instances where programs or services are approved by council. Section 12(2) only addresses the built facilities occupied by the municipality. This section needs amending to encourage council to seek advice on any subject that would have impact on people with disabilities. For example, Ottawa hosted the Games of the Francophonie last year. Very little attention was paid to visitors or athletes with disabilities. Council would have benefited

by seeking and following the advice of its advisory committee.

Section 12 should also be amended to include that all motions to council have an impact statement as per established guidelines, in much the same way it now has for the LACAC and environmental issues. This will ensure that city staff and council are well advised on potential barriers to people with disabilities and appropriate decisions can follow.

Council shall allow for the fact that the accessibility advisory committee is volunteer-driven and cannot be used as free labour. An amendment should be incorporated to define the relationship between the committee, staff and council. The effectiveness of this legislation could otherwise be compromised.

When the advisory committee makes a recommendation to the municipal council, the council shall respond to it within 14 days. If the council decides to decline the advisory committee's advice in whole or in part, it shall provide written reasons for its decision. Recommendations and reports from the advisory committee and responses to these from the municipal council shall promptly be made public. The municipal council shall fulfill all reasonable requests for information by the advisory council within the mandate of the advisory committee's work. Reasonable compensation, including reasonable expenses, shall be provided by the municipal council for the members of the advisory committee.

Section 12 should also be amended to define the link between the municipal advisory committee, the provincial council and the ministerial directorate. Furthermore, the committee should benefit from the establishing of information and communication links to other accessibility advisory committees throughout Ontario.

Section 19, Accessibility Advisory Council of Ontario: An amendment to section 19 should be added to require the council to have an annual general meeting in which a delegation from the municipal committees is to attend. The agenda shall include the tabling of annual reports from the council and the committees. Training and networking will also be included. The AGM would report to the minister.

Section 20, Accessibility Directorate of Ontario: An amendment is required to establish a linkage between the municipal advisory committees and the directorate. The directorate should be established as primary contact and facilitator for the resolution of problems that require cross-ministerial involvement.

We sincerely thank the hearing committee for this opportunity to be involved in this historic legislation. If you see fit to pass this legislation, incorporating the suggested amendments, we will be well on our way to an inclusive Ontario. I thank you very much for your attention.

The Chair: We have approximately two minutes per caucus, and I'll start with the official opposition.

Mr Parsons: I appreciate your presentation. You've obviously put a great deal of time into it. I don't know if you've been here from the very beginning, at 9 o'clock,

but I have a question for you under “Duties of Municipalities.” You’re referring to the tourism and recreation industry and how it’s important that this apply to all municipalities, regardless of size. In an earlier presentation, the presenter used the example that they had gone to a municipality that was under 10,000 and could not get into a hotel and could not get into shops. So I’m wondering, to say it applies to every municipality, I’m sensing you’re saying that it should apply to the municipal components of each municipality, but the earlier presenter said that for their quality of life they needed access to private establishments, they needed a hotel room.

Mr McMahan: I’m here speaking only on behalf of the advisory committee of the city of Ottawa and everything that falls under municipal jurisdiction. The promotion of tourism and recreation, and that sort of thing, falls within municipal jurisdiction. However, it really has no authority at this point in time over the private sector.

The access to the support plan that is available for tourism is crucially important for Ottawa, since we make our living in tourism. Also, all you have to do is walk around the Byward Market, which is within the shadow of the American embassy, and on the one hand you have the American embassy, which falls within the Americans with Disabilities Act, and you’ve got the Byward Market, which has no legislation whatsoever and can operate at its own free will. What happens is that it reflects badly on Ottawa, reflects badly on our economy, reflects badly on people who want to meet in Ottawa, on Americans who want to come to Ottawa, because we don’t have the same regulations they do.

Basically, to get back to your question, the act has to have either a straightforward impact on the private sector or an implied impact on the private sector. I think right now it is implied. It should be reinforced, I think, for stronger rules and regulations for the private sector.

1020

Mr Martin: Thanks for coming today and for the work you’ve done, obviously, in preparing. On the last page you speak about the need for links between municipal advisory committees, the provincial councils and the ministerial directorate. It seems to me that if we’re going to have a plan that is uniformly effective across the province, we need something a bit more consistent. Mr Parsons mentioned the reality that communities with under 10,000 people—there are a lot of them, particularly in northern Ontario, that don’t fall in the category that’s covered by this legislation. If we’re going to put a provincial plan in place, it’s obvious to me—and this is the question—that resources are going to be needed. If we’re going to make places and things accessible to people, where do you think those resources should come from?

Mr McMahan: In the smaller communities?

Mr Martin: Anywhere.

Mr McMahan: It could come from a number of sources. It could come from the tax base. It could come from the private sector. If you have a building and you want to rent it out to the municipal council, to the

municipality, before you get to the municipality you know already that there are limitations to the physical aspect of the building that you can rent. In other words, you would have to make sure it doesn’t have a negative impact on people with disabilities before you present that property to council.

It’s going to be a multifaceted, multilayered approach. Right now we don’t have any provincial vision; we don’t have any provincial statement of inclusion. With this legislation I believe it will start, it will be there. So even though there isn’t right now a mechanism for funding this sort of renovation and retrofitting of services and places, it will come eventually through public pressure.

If the small municipality calls its citizens into a room and says, “We want to build a new community centre,” and if they consult with their constituents, their citizens, and they say, “We’ve got to make it accessible for my Aunt Martha, who’s in a wheelchair,” then it’s going to happen. But it’s not going to happen unless you put it on the agenda. There’s the old story: I’ve been in many restaurants where I’ve had to go through the kitchen in order to get to it. There’s even a community centre here in Nepean where I have to go through the kitchen to go to a wedding ceremony. If people with disabilities are consulted at every level throughout the province, whether it be the small train stop in northern Ontario or downtown Toronto, eventually changes will be made. I think this legislation will force consultation with people with disabilities.

The Chair: I’ll go to the government side.

Mr Spina: Thank you, Mr McMahan. You had some very concrete proposed amendments either to the bill or that would be empowered in the regulations that could be included there. We appreciate that input.

I had a question regarding enforcement. Alan Shain suggested that there be a body that would have the power to enforce the laws or the bylaws that would be created for accessibility. I guess this would apply more to the urban communities. Do you think that a bylaw enforcement office could do that job?

Mr McMahan: Yes, I think a bylaw enforcement office would be—there are a lot of cross-jurisdiction problems with enforcement. But as Mr Brady was mentioning, it really is up to local authorities, in many cases, to enforce their bylaws. I’m not sure about an overall enforcement agency. I haven’t really thought it through, but I don’t know whether it’s that necessary. We’ve got police, we’ve got fire chiefs, we’ve got local people who write traffic tickets. There are lots of enforcement agencies. I’m not sure if a separate body would need to be created as an overseer.

Once the mechanism is established at the ground level, at the city level, and once the dialogue starts between the people with disabilities and the decision-makers, then a lot of things fall into place. I’m not too sure about the need for a strong enforcement agency. I think enforcement will come progressively.

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

1030

ONTARIO BRAIN INJURY ASSOCIATION
HEAD INJURY ASSOCIATION
OF OTTAWA VALLEY

The Vice-Chair (Mr Doug Galt): Our next presentation is the Ottawa chapter of the Ontario Brain Injury Association, Teresa Van Dongen. Thank you very much for coming forward. On behalf of the committee, we look forward to your presentation. To begin, please state your name for the sake of Hansard.

Ms Teresa Van Dongen: My name is Teresa Van Dongen. I am the president of the board of directors of the Head Injury Association of Ottawa Valley. I'm here in the capacity of representing both the Ontario Brain Injury Association and our association here in Ottawa.

Mr Chair, members of the Legislature, ladies and gentlemen, it is an honour to speak before the committee today on a subject that is very important to our entire community. I am here representing over 18,000 Canadians, one third of those in Ontario alone, who receive an acquired brain injury every year. I am a member of the Ontario Brain Injury Association and the Head Injury Association of Ottawa Valley, here in our community.

Here are a few facts about brain injury.

Acquired brain injury is the leading cause of death and disability in Ontario for those under the age of 45.

A brain injury doesn't heal like a broken arm or leg; the results may last a lifetime. If you consider the thousands injured each year, and you consider even the last 20 years, you begin to get an idea of just how many people live with these effects every day in Ontario.

Brain injury may be the result of a motor vehicle collision, the cause of approximately half of all brain injuries; falls, particularly among the elderly and toddlers; assaults; and diseases such as meningitis, brain tumours and other illness-related injuries.

Brain injury does not distinguish itself by age, gender or socio-economic status. It could happen to any of us here in this room, at work, on the playing field and even as we drive home from this meeting.

Chances are that there is at least one person whom you work with, know or love who has experienced the effects of this injury, and the effects are devastating. No two brain injuries are exactly alike and may range from mild to severe. Brain injury cuts across all disability groups. Because our brain controls all of our functioning, people with brain injuries may have visual impairments, hearing impairments, speech impairments or mobility difficulties requiring the use of a wheelchair or walker.

The most difficult impairments for family members, friends and even employers to understand, however, are the personality changes and the effects that make it difficult to organize thoughts and remember things that once came easily. These invisible changes present the most difficult challenges to the survivor of acquired brain injury.

What is the Ontario Brain Injury Association? We were formed in 1986. Currently we are linked, with 24 community groups across the province with memberships totalling in the thousands, the Ottawa Valley chapter being one of those 24 community groups. Our 20-member board of directors is made up of survivors of acquired brain injuries, family members, professionals, service providers and business people from every part of the province.

Why are we here today? We're here because we are deeply concerned that all Ontarians have the opportunity to participate as fully as possible in all aspects of life in Ontario, and that's easily identified and understood. The current ODA bill makes an attempt to address these types of participation in the community. The same can be said of some barriers for those with sensory impairment, such as vision and hearing, where it offers to address the issue of government communications in alternative formats.

However, the barriers that are faced by people living with cognitive and emotional impairments are much more difficult to identify and address. I speak of attitudinal barriers that often exclude those living with these difficulties and leave them isolated and open to ridicule and even abuse. We recognize that it is impossible to legislate attitudes and values, but it is possible to have an Ontario disability act that encompasses a comprehensive program of public awareness and education that will move Ontario society toward understanding, acceptance and accommodation of people with cognitive and emotional impairments.

Let me illustrate some instances of these attitudinal barriers. After a recent presentation about acquired brain injury to a Rotary Club in a small Ontario town, one of the audience, a man about 50, approached the speaker and related that the presentation had left him feeling very uncomfortable. He said that he was one of four brothers, and one of his brothers had sustained a brain injury about eight years earlier as a result of a motor vehicle collision. Prior to the crash, these four brothers had worked and played together regularly. Following the crash, the brother who had been injured was very withdrawn, claiming he was just too tired. The other three brothers had seen this as a lame excuse to avoid them and had in turn cut the injured brother out of all aspects of their family life. He ended his story saying to the speaker that his comments about fatigue being a common symptom of acquired brain injury made him realize that they had unfairly isolated their injured brother. This kind of misunderstanding of the effects of acquired brain injury are not uncommon, even among family members and close friends, resulting in isolation and often devastating the person with brain injury.

There are dozens of other instances of misunderstanding that impact daily on the lives of people living with these effects. These misunderstandings effectively limit the disabled person's participation in family life, community activities and employment opportunities.

We recognize that there are no simple or quick solutions to removing these attitudinal barriers. However,

since they are barriers for thousands of Ontarians, not only those living with the effects of acquired brain injuries, but also those with developmental impairments and those who experience mental illness, it is imperative that the government, through the Ontarians with Disabilities Act, provide the will and the resources necessary to develop effective public awareness and education.

In summary, the Ontarians with Disabilities Act does attempt to address physical barriers faced by those with disabilities but it does fall short on its goal to support the right of every person with a disability to live as independently as possible, to enjoy equal opportunity and to participate fully in every aspect of life in our province through the removal of existing barriers.

We have not had enough time to fully analyze this bill and consider its implicates, but after careful consideration we do recommend the following:

We feel strongly that the definition of “disability” include brain injury in its descriptions; that explicit time-limits be prescribed for the removal of specific barriers; that the bill have an effective mechanism for enforcement; that the role and authority of the advisory councils be defined and its reports be made public and the disability community be heard; that the bill make provisions for the allocation of resources to raise public awareness and education of the issues faced by those with disabilities in order to further foster a greater understanding and influence attitudes working toward the reduction of attitudinal barriers.

A barrier-free community is a minimum goal to full participation of the disabled in society. Through effective regulation and mandated co-operation with private and public sectors, the Ontarians with Disabilities Act can help deliver broad public awareness and understanding of cognitive and mental disabilities and eliminate all other barriers for disabled persons in every part of Canada’s richest province.

The Ontario Brain Injury Association, along with many other similar disability organizations, stands prepared to assist the government through the advisory councils outlined in the ODA to develop the means necessary to remove attitudinal barriers. We look forward to this challenge. The disabled of Ontario are looking for leadership on this issue. Don’t let them down.

The Vice-Chair: Thank you very much for your presentation and the thoughtful recommendations. We have approximately three minutes left per caucus for questions. We’ll start with the NDP.

Mr Martin: Thank you very much for coming today and sharing those thoughts with us and making the recommendations that you have there. They’re fairly consistent with what we’ve heard so far and certainly what we’ve heard this morning: the need for timelines, the need for enforceability, and the need for resources to support the enforceability.

Who at this point in time resources the Ontario Brain Injury Association in terms of some of the education campaigns that you carry out?

Ms Van Dongen: One of the primary mandates of the Ontario Brain Injury Association is to provide education to professionals working in the field. Also, they have a rather extensive resource library of written information—articles and so on—and they provide a lot of education through presentations in the community. It’s the responsibility of each of the community associations to provide education within their own community as well as what is provided through the Ontario Brain Injury Association, and some of the funding for that comes through the Trillium Foundation and initiatives that the different associations have had from the Ontario Neurotrauma Foundation, as well. There have been some initiatives, particularly in the school system, to provide education. Pediatric brain injury is another issue and prevention is probably the best medicine with regard to brain injury.

Mr Martin: You speak this morning of attitudinal barriers that people with brain injuries run into on a consistent basis, and you talk about a comprehensive education campaign. Your organization is providing, where there is a structure in place, some of that. Could you elaborate more on what it is that you think, with this piece of legislation, we should be doing to make sure that attitudinal barriers are being dealt with and what we would do to provide this comprehensive education campaign?

Ms Van Dongen: Including “brain injury” in the definition within the act would be helpful because certainly it crosses over a lot of different other disability groups, and I think that sometimes it’s missed. Oftentimes brain injury is described as the invisible disability because even though the person may, after an injury, be physically doing quite well and able to return to a lot of their previous activities, cognitively they’re not able to participate in the community as they did before. In terms of making sure there’s a good understanding of the fact that that needs to be reflected in this act, I think that’s really important.

We’ve looked to municipal government—we’ve applied ourselves here in the community to the city of Ottawa to try and get some funding as well, because I think through the public health pot we hope to be able to provide some more community awareness and probably look at prevention initiatives there. But certainly I think including brain injury in the definition is something that we’ve been working with the school boards, for example, to include in their SEAC committees to make sure that brain injury is properly represented within the definitions of special-needs students within the school system.

1040

Mr O’Toole: Thank you, Ms Van Dongen, for your presentation this morning. It certainly did clarify very accurately the attitudinal barriers in this particular area. As you’ve said, all of us know someone either directly or indirectly. It does really come down to a couple of the points you raised about education and awareness, and I commend the association for doing that relentlessly. I participate in my riding in activities that are for that

purpose, to raise awareness and improve the understanding.

I'm just looking at the definitions in the bill. It isn't precisely stated in there specifically, but is there something in that particular section 2 in the definitions that—it does talk about an injury or disability for which benefits were claimed or received under a workplace injury, etc, so it's implied, if not directly in the words "brain injury." Is there something in strengthening that? I have no disagreement with you at all.

Ms Van Dongen: I think probably "implied" is one thing, because certainly if you look at workplace injuries and that type of thing you could be dealing with mostly physical injury and not necessarily cognitive impairment. I think it's really important to include cognitive, neurological impairment that may result from those types of injuries because that really speaks to the invisible portion of the injury. A lot of times the physical aspect of the injury is more obvious and the brain injury is missed. A person thinks, "There's a person who uses a wheelchair," but that person is also somebody who has short-term memory deficits, who has difficulty organizing their thoughts, who isn't able to return to work because they don't have the organizational skills to be able to do so and that sort of thing.

Mr O'Toole: I'd be happy to bring it forward if there's a clearer definition. You said that no two outcomes are the same for victims of these situations and, as you say, the treatment and/or consequences are different for each individual case, so maybe that's—in the definition of preciseness, you could be exclusive. I'd be happy to receive anything that's more clear, given that it's in itself difficult to define each degree of severity, etc. There are tests and all those kinds of things—

Ms Van Dongen: Right.

Mr O'Toole: —and we try to say, "This is disabled, this isn't," by some test. But I'd be happy to hear that.

Ms Van Dongen: That's great. I will certainly speak with individuals at the Ontario Brain Injury Association and we can come to consensus as a group on those thoughts. Thank you.

Mr Dalton McGuinty (Ottawa South): Thank you very much for your presentation and for being here today.

I'm particularly interested in your reference to the attitudinal element and I would urge all of us here to consider what we might do in government to help address that.

One of the elements of the bill, of course, that is very troubling is that it imposes no positive obligations on the private sector.

Ms Van Dongen: Right.

Mr McGuinty: I'm wondering if you have any views with respect to that and what role the private sector might be playing in terms of helping us ensure that those suffering from the effects of brain injuries can, as you put it so eloquently, participate as fully as possible in society.

Ms Van Dongen: I think probably a willingness, again, to have the information and the education that's

available. A lot of times, certainly for people re-entering the workforce, somebody with a brain injury runs into a lot of different barriers both publicly and privately in terms of wanting to make that extra effort to understand and accommodate individuals. The public awareness and the community awareness piece—the willingness, I think, to let individuals from different organizations who want to educate the community as a whole about brain injury, and any disability group, for that matter—I think that's an important piece.

Mr McGuinty: I gather that the lack of a visible, kind of evident problem makes this a real issue in terms of the challenge you've got to contend with.

Ms Van Dongen: Yes, because when you look at the percentage of people who have a brain injury—you can have permanent disability, but the implication isn't necessarily that it's physical, or that if it's physical, it's obvious. People have a tendency to respond, unfortunately, differently to visible, as opposed to invisible, issues that a person may have. They may attribute the disability to a person having a problem with anger management when in actual fact it's a communication difficulty. Cognitively they can't understand you, and that's why they're becoming frustrated with what you're trying to communicate to them. Definitely, that invisible piece is something that a lot of our members are challenged by.

The Vice-Chair: On behalf of the committee, thank you very much for coming forward. We appreciate your recommendations.

RICHARD THÉBERGE

The Vice-Chair: The next delegation is the Ottawa-Carleton Independent Living Centre. Richard Théberge, come forward.

On behalf of the committee, welcome. Please, for the sake of Hansard, state your name as you begin.

Mr Richard Théberge: It is quite fitting that the next speaker after the one we just had is a victim of brain injury. Indeed, 30 years ago on October 29, when I was just a nine-year-old lawyer, the youngest lawyer ever, I had a brain injury as a result of an accident. I would ask for your tolerance. If you noted the one thing that she said about brain injury victims, they have some difficulty with their thoughts and all that. Also, I would like to add that the best way to deal with brain injury victims, of which I'm one—they're very temperamental—is that you have to do whatever they recommend; otherwise they go into a fit.

Laughter.

The Vice-Chair: Thanks for the warning.

Mr Théberge: I first wish to express to this committee my deep appreciation for this opportunity to indicate, in a constructive spirit both my criticisms and hopes regarding the long-awaited legislation.

Second, I need to make it absolutely clear to the committee that the views I will be presenting here today are mine exclusively and are not endorsed by the OCILC.

When the chairman of Ottawa's accessibility committee, whom you heard this morning, asked us at our last meeting, on November 21, whether any one of us would be making a presentation today, I indicated that I would. For the sake of expediency, the chairman indicated that I would be representing the Ottawa-Carleton Independent Living Centre, OCILC, because he knows that I am involved, both as a member of the board and as a frequent volunteer with this organization. It must be made clear, however, that while the OCILC is engaged from time to time in an individual advocacy role on behalf of individual clients, it is not an organization engaged in collective advocacy, as such. Therefore—I believe I have cut myself of five minutes—I do not represent an organization.

Having said that, as a jurist who has pursued post-graduate studies in law, I have always had a keen interest in administrative law, which deals with the legal limitations on the actions of government officials.

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As I was going through the Hansard records of the first days of debate regarding the ODA, I observed several instances where, in response to criticisms that as initially drafted the ODA is unenforceable against either private or public sector organizations, there was a tendency on the government's part to rely on the regulations to provide, in due course, appropriate enforcement mechanisms. I thought it important and appropriate therefore to examine whether the validity of such eventual regulations could be easily challenged by some smart-ass lawyer on the grounds that they exceeded the jurisdiction of the Legislative Assembly. I needed to analyze as a jurist from the precepts of administrative law whether in some respects the delegation of authority by the Legislature amounted in any way to an abdication by the Legislative Assembly of its prerogative to provide substantive rights.

In general, a legislation provides the substance of rights while the regulations provide the procedural aspects of such rights, including the form, the timing and the manner of their exercise.

In recent days therefore I spent some time analyzing objectively how section 22 of the proposed legislation satisfied the principles of administrative law recognized in common law jurisdictions. To test the validity of the regulation, administrative law has three criteria, or three tests: (1) whether the delegation exceeded the jurisdiction of the delegating Legislative Assembly; (2) whether it had the ability to delegate; and (3) whether the delegation amounted to an abdication.

It's dull, I know, but we have to go through it.

One, the jurisdiction of the Ontario Legislature: even if it may seem obvious, the first step in determining the validity of any eventual regulation under the ODA is whether the parent legislation under whose authority any eventual regulation would be prescribed is constitutional.

We can affirm unequivocally that the proposed Ontarians with Disabilities Act relating to the identification, removal and prevention of barriers to accessibility is a

subject matter relating to property and civil rights which falls within the ambit of what the Constitution Act of 1867, as modified in 1982, considers a matter of exclusive provincial jurisdiction.

Ability to delegate, the second point: In Canadian constitutional law, it is generally accepted that, subject to constitutional constraints, both the federal Parliament and the provincial Legislature are supreme or sovereign within their respective legislative sphere of competence. This means, among other things, that the legal maxim "Delegatus non potest delegare" does not apply to limit the ability of a provincial Legislature to delegate its legislative powers to members of the executive government or, for that matter, to anyone else if it so chooses. The right of a provincial Legislature to validly delegate matters falling within the sphere of its legislative competence was upheld by the privy council long ago when very few of us were born, in the case of *Hodge v Regina* in 1883.

Third, delegation, not abdication: It is extremely difficult to draw the line between proper delegation and improper abdication of legislative powers, and courts lean heavily in favour of the former. Instances of delegation being held by the courts to constitute impermissible abdication are extremely rare; in fact, I could not find any. However, the general lack of success in applying the abdication principle to strike down does not detract from the importance of having some idea as to what matters must be dealt with by the legislators themselves and what matters must be delegated to others. Indeed, there is considerable concern currently in Canada and elsewhere about the volume and the breadth of delegated powers which have been authorized by all legislative bodies.

In short, in Canada it is generally accepted as a principle—and this is again derived from the *Hodge* case over a century ago—that, short of a permanent or near-permanent divestment of the legislative body's power to make laws and to supervise the exercise of delegated functions, even very broad delegations are lawful. In other words, the Legislature may delegate, but as long as it retains some power to take back the powers, the delegation of authority will be found lawful.

Now we get to the crux of the matter, proposed section 22 of the ODA. Applying these three criteria to proposed section 22 of the ODA, one could easily conclude that the validity of any eventual regulation made by the Ontario cabinet or Lieutenant Governor in Council would be undisputable. As such, we find it highly unlikely that any delegated legislation, as regulations are sometimes referred to in the world of academia, would be found ultra vires, or invalid, on the grounds that (1) the ODA clearly falls under provincial jurisdiction; (2) the Legislative Assembly of Ontario has the ability to delegate; and (3) despite this delegation being very broad, it does not constitute an abdication by the Legislative Assembly of its prerogative. Rather, section 22 is to be regarded as translating the government's intention to have the accessibility rules designed largely by the disability community, as opposed to having them largely determined by the Legislative Assembly.

One of the corollaries to be derived from the government's commitment according to the literature of its program Independence and Opportunity, unveiled on November 1 by Minister Cam Jackson, is to put the disability community in the "driver's seat." In this connection, I would also like to remind the committee that the Legislature unanimously approved a couple of years ago that the ODA would include 11 principles, including principle 7 requiring that, "As part of its enforcement process, the ODA should provide for a process of regulation-making that ... include a requirement that input be obtained from affected groups such as persons with disabilities before such regulations are enacted."

As presently drafted, section 22 of the ODA doesn't cut it. There is no requirement to involve the disability community in the drafting of the regulations or simply in receiving its input.

I have brought with me other suggestions for amending section 22 and explaining the rationale of each proposed amendment. With the committee's permission, I respectfully submit these proposed amendments to their attention.

I had the pleasure of meeting Mr Jackson when he came to meet the city's new advisory committee on October 22. Following this meeting, I met with Mr Jackson privately and discussed, for perhaps 15 minutes while I was waiting for Para Transpo, the impending ODA. I told Mr Jackson how excited I was about the future legislation and that I truly sensed and appreciated a genuine commitment on his part to do what is just and to really contribute to improving the life of disabled persons in Ontario.

On November 7, after I had read the proposed ODA but before I had had a chance to examine it in detail or discuss with anyone its contents, I wrote to Mr Jackson a letter congratulating him for what had the potential of turning into exciting, trail-blazing legislation.

Gentlemen and ladies, this proposed legislation places the disability community in a difficult conundrum. In the absence of any current legislation designed to remove barriers to accessibility, many members of our community worry that by asking for too many changes to Bill 125, we run the risk of seeing it withdrawn and, in so doing, with the impending campaign to replace the retiring Premier and the elections to come in due course after that, we risk seeing an opportunity like the present one put off again for several years. On the other hand, there are those in the community who want to seize this unique opportunity to really improve life in Ontario for the disabled and who argue that, having gone this far, the government would not dare withdraw this legislation.

Ladies and gentlemen, the stakes for the disability community have never been this high. With the time allocation which has been approved by the Legislature to dispose of Bill 125, it is obvious that a lot has to be done between now and December 12. But I am confident that you will find the courage to do whatever is necessary to bring this to fruition because it is just, because it is right and because it is imperative.

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The Chair: Merci, monsieur Théberge. We have approximately two minutes per caucus. I'll start with the government side.

Mr O'Toole: Thank you, Mr Théberge. I appreciate your presentation and your thoughtful review from the perspective of a trained lawyer, which I'm not.

Mr Théberge: It sounded scientific, eh? We don't get many chances, as lawyers, to sound scientific.

Mr O'Toole: Just looking at some of the background paper, I'd put on the record that the independent living approach recognizes the rights of citizens with disabilities to take control of their lives by examining choices, making decisions and even taking risks. I think that's an extremely progressive attitude toward getting on with life and just needing accessibility addressed.

I want to ask a specific question. You questioned the regulations section, which is section 22, and there are a number of subsections in it. I'm not, as I said, a lawyer, but in my reading it's very broad. It gives the LG the power to make regulations in a specific, broad range of inclusions and exclusions. But in subsection 22(6), "Adoption of codes," it does say, "If the Lieutenant Governor in Council is satisfied that, at the request of the minister, the Accessibility Directorate of Ontario has consulted with the persons and organizations that the minister directs"—so in other words, it implies to me that there is consultation in the making of regulations, which is something you said maybe wasn't strong enough in that regulations section.

Mr Théberge: I would hope so. My understanding of the concept behind the accessibility council which would advise the minister would be to assist him, initially at least, at first, to advise him as to what regulations need to be made in order to make this legislation enforceable. But the point is that the regulations—one would assume that, but I was thinking of, more than simply arriving at that by deduction, having it written, especially in section 22, which is the perfect place to indicate that before any regulations can be made, the disability community has to provide input and has to be consulted.

I worked for the federal government for over 25 years, and there's a procedure whereby, at least in the field of commercial lobby, before any regulation comes into force, it is published for 60 days or so and comments are invited and all that. So the amendments we propose would not only require active consultation and input from the disability community, but would also require the ministry to publish such eventual regulations for a period of 90 days so that people can think about it, and if there's a request after 45 days by any disability group, the ministry would have to hold hearings on the proposed regulations. So this is a mechanism which has to be expressly provided to our satisfaction.

Interjection.

The Chair: No, sorry. I have to bring it to an end and I have to go to the official opposition.

Mr Parsons: Thank you for your presentation. I took one law course, which is just enough to make me dangerous, but not necessarily constructive.

Mr Garry J. Guzzo (Ottawa West-Nepean): But did you pass it?

Mr Parsons: I did very well, and that's why I realized that wasn't my calling.

Mr Guzzo: That may put you ahead of some of us.

Mr Parsons: I'm interested in the lawyer's perspective. As I read the act, I read about the Accessibility Advisory Council of Ontario, the Accessibility Directorate of Ontario and the accessibility advisory committees. My first grasp from the law course was that the law says, "Thou shalt," and, "Thou wilt," and that there is some substance to it. Out of all this framework that's been constructed, I'm asking you, as a lawyer, is there anything in there that can force barriers to be removed? "Advisory" appears and reappears. We say that by law you can't exceed—

Mr Th  berge: To be candid and frank, to me, the way it is written, no. But there is immense potential in the provisions that are there. I don't know if anybody—the previous speaker mentioned it, but I was particularly struck by the innovative way this proposed legislation has some carrots. It has strong potential. We talk about enforcement in the private and public sectors and all that. There are two ways: you can force it or use moral suasion—the easy way, the Ontario way. I thought that, to induce and promote the moral suasion, the legislation held out the hope that perhaps—section 11 or 12—the procurement policies of the government could be geared toward that. It would naturally induce and force accessibility and make them stronger every time.

The capital funding projects: I was listening to the questions regarding enforcement of the regulations put to the very able, and now my teacher, Mr McMahon. I hope he gives me a break. With the enforcement mechanism, as such, the government, which helps municipalities financially, has a very strong tool there. All it needs is some fine-tuning and gearing to promote it.

In other words, the Ministry of Municipal Affairs, which gives grants to municipalities and all that, could say, "You had better come up with this accessibility plan, which you have to do." We don't give money just like that. Use some muscle. It has wonderful carrots. Government procurement is one of the biggest consumers in the province and in the country. With this tool that the government has, it can enforce it.

It doesn't have to say—in law, when you start in year one, the first thing you learn is that one feature is that to become obligatory, a requirement is that there be a sanction. Now, a sanction does not necessarily have to be imprisonment or being thrown in jail for not making a thing accessible, but all kinds of very intelligent—I'm looking for the word—you must not contradict me.

Interjection: Incentives.

Mr Th  berge: Subtle ways of bringing about accessibility. Do you understand what I mean? Have I answered your question?

The Chair: With that, I have to go to Mr Martin, because we've run out of time.

Mr Martin: Thank you very much for your presentation this morning. Certainly I can identify—and with the group in Sault Ste Marie, where I come from, as they struggle with this—with the issue of, do you deep-six this in hope of something better or do you try and build on at least some little piece that might be redeemable in this bill? That's what we struggle with at this point in time. We've so far decided to participate in the process and see if we can get the government to listen and maybe make some amendments.

You'll have to help me here. About your treatise on the responsibility and how that goes back to some of the charters we have struck as a country and as a province, are you saying that the government in this instance is downloading responsibility for something for which it has ultimate responsibility, to pass this on now to an advisory committee and municipalities that are over 10,000, as opposed to the provincial government itself taking the bull by the horns and putting in place the laws that are necessary to require everybody out there doing business or offering services in Ontario to make them accessible? Is that what you're saying?

1110

Mr Th  berge: No, not at all, Mr Martin. That's very good anger management. I don't know how you could arrive at that deduction from what I said. No, I did not accuse the government of downloading. To be frank, I believe that the ODA, as presented, initially at least, before I get down to it, represents a remarkable effort. For the first time in the history of the disability community in Ontario the government has a chance, and I think it should seize that chance, to really do something big: model legislation that will be copied by other Legislative Assemblies.

I understood the accessibility committee to be a consultative entity, somewhat similar to the municipal accessibility advisory committee, except that the minister is not a municipality, so it would be a ministerial accessibility council. It's not a committee; it's a council. It sounds bigger, more important.

I don't think it is downloading and I'm sorry I put you through all this painful, long legal analysis. I wanted to ensure that section 22, that this legislation, which was not in and of itself that enforceable—that any regulation that would come as a result of it would not be challenged by someone who would be forced to do something they would not like and would contest the validity of this provision. So if ensuring that the delegation of authority in section 22, although very broad, is lawful and valid, then it follows that the regulations that eventually will be made could not be contested or their validity could not be challenged.

The Chair: With this, we've run out of time. Au nom du comit  , monsieur Th  berge, merci pour votre pr  sentation ce matin.

OTTAWA CITY COUNCIL

The Chair: We have an agreement for a switch in the agenda by the two parties. Our next presenter will be a representative from the city of Ottawa council. I would ask the presenter to come forward. Please state your name for the record. On behalf of the committee, welcome.

M^{me} Madeleine Meilleur : Mon nom est Madeleine Meilleur. Je suis présidente du Comité des transports et services de transport en commun pour la ville d'Ottawa, et aussi membre du comité sur l'accessibilité dont vous venez d'entendre un des représentants.

Thank you very much for allowing me to speak today on the accessibility in Ottawa for persons with disabilities.

Il me fait grandement plaisir d'être ici, et je vais vous présenter quelque chose qui est un peu différent de ce que vous avez entendu. Je ne vous parlerai pas nécessairement de la loi, mais je vais vous parler de ce que la ville d'Ottawa fait au point de vue accessibilité.

Alors, ça me fait aussi plaisir de participer à l'élaboration de ce projet de loi, qui nous touche tous et toutes de très près.

The minister asked the city of Ottawa to do a presentation today on what the city does for accessibility in Ottawa. Much like the minister, the city recognizes that people with disabilities need greater independence through improved individual mobility and better community accessibility.

We are delighted to be asked to outline some of the activities the city of Ottawa is undertaking to meet the needs of people with disabilities.

There are two key areas I would like to discuss with you today. First, I would like to say a few words about the city of Ottawa and accessibility, about efforts being made to provide access for everyone to home, offices, schools and shops. The other area I would like to address is public transportation in Ottawa for persons with disabilities.

After my presentation I will be pleased to address the questions and concerns you may have.

The city of Ottawa's objective is to offer universal access for everybody. An able-bodied person, a person using a wheelchair, someone with a guide dog or a cane, a parent with a stroller, a senior, or someone with a broken leg, each has the right to access homes, offices, businesses, schools and recreational facilities. It is estimated that more than one in five people in Ottawa will experience either permanent or temporary disability during their lives. The steps we take together locally, provincially and nationally will ensure they can continue to access opportunities enjoyed by the rest of the population, including access to facilities, programs and services.

The city of Ottawa is currently conducting accessibility audits in selected municipal buildings, such as Lansdowne Park and Ottawa city hall, that will generate a remediation plan that will provide barrier-free access

for patrons. These accessibility issues fall within areas such as door entry improvements, elevator lift device requirements, and improvements to washroom facilities, parking facilities and routes to travel to main entrances. In many of its buildings, the city is meeting or exceeding the standards for accessibility of the Ontario building code and of the Canadian Standards Association. City hall, for example, has automatic door openers, elevators that feature buttons in Braille, and ramps at entrances.

The city recognizes and endorses the need to pursue barrier-free access as part of its long-term capital development plan. City council, in taking a strong position in this area and in pursuing consultation with groups, organizations and individuals who are familiar with the issues—this will lead to strengthening Ottawa as a caring community, making the city a leader in this area and ensuring it is accountable.

As a recently amalgamated city, the result of merging 12 municipalities into one new nation's capital, we are committed to building on best practices, covering everything from having physical access to a building to having access to participation in all aspects of our public life. To help us accomplish this objective, we have created two committees involving the private sector, similar to an action the province of Ontario has taken. The role of the city's accessibility advisory committee and its mobility issues advisory committee is to develop an awareness and understanding of the issues and concerns of persons with disabilities, with a goal to improving the quality of life and enhancing the independence of these citizens.

There exist many ways in which the mobility of persons with a disability can be enhanced through changes to existing services and facilities. To ensure equal access to electronic and information technologies, the city of Ottawa has developed a set of Web page design standards in recognition of persons with disabilities.

Transportation is another. There are, for example, over 80 intersections in the city of Ottawa equipped with audible pedestrian signals. These signals indicate in which direction pedestrians may cross safely. The signals provide improved security for visually impaired people, while at the same time providing them with greater mobility. Ottawa is a Canadian leader with respect to the installation of these important devices. The city has recently adopted a policy to install these signals at virtually all new traffic signals.

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City staff have been actively listening to citizens' concerns and taking steps to eliminate and prevent barriers, to provide greater accessibility in Ottawa for persons with disabilities. Sidewalks, for instance, have depressed accesses at signalized and pedestrian crossings to accommodate persons with disabilities. In partnership with the Canadian National Institute for the Blind, access ramps are being added at crosswalk locations.

As well, in its commitment to preparing a comprehensive winter maintenance plan for the new city of Ottawa, staff are working with the advisory committee in strategically identifying ways to improve winter main-

tenance of roads and sidewalks to enhance access for persons with disabilities while improving their safety. These are examples of initiatives being integrated in everyday life so that residents and visitors to Ottawa who have special needs have greater accessibility to live independent and fulfilling lives.

Let me now turn to public transportation in Ottawa. OC Transpo provides transit across the urban part of the city of Ottawa. With 900 buses and a new light rail system, we serve a population of 720,000 and carry 85 million passengers a year. In addition, OC Transpo also provides a parallel service for people with disabilities, Para Transpo, that carries 750,000 trips annually.

In 1994, city council approved an accessibility plan for transit in Ottawa-Carleton that showed how a policy of full accessibility for regular transit services would be implemented. This called for all future bus purchases to be low-floor buses and the improvement of transitway stations and bus stop facilities to make them more easily accessible for use by people with disabilities, among other things. It also recommended the development of accessibility standards for future transit facilities. It highlighted the need for high-quality sidewalk maintenance, particularly snow removal and curb cuts, to ensure that customers could get to the bus stop to access the service.

The development of the plan was a partnership effort with representatives from the municipalities making up the former region, the Canadian National Institute for the Blind, the Canadian Council of the Blind, the Council on Aging, the Senior Citizens Council, city council, Para Transpo customers, OC Transpo customers, union representatives from operators and supervisors, and transit staff members from most departments. We welcome and value this continuing partnership.

There has been solid progress since the plan was approved in 1994. I will mention a few of these items. Since low-floor buses became available in 1997, all new buses have low floors, which means easier access to bus service for seniors and persons with mobility difficulties or in wheelchairs. By the end of this year, the low-floor bus fleet will make up almost 30% of the total bus fleet. By 2011, 85% of the fleet will consist of low-floor buses.

All buses are now equipped with easier access features, which make transit more accessible for everyone. These include buses with the capability to lower or kneel close to the curb for easier boarding; priority seating near the front for persons who cannot stand in a moving vehicle; extra grab rails; easier-to-reach stop-request buttons and yellow pull-cords; a public address system to announce transit stations and major stops; and additional lighting of doorways and front seat area.

All new bus shelters are fully accessible. In fact, Ottawa led the way in working with a major bus shelter supplier to design shelters that can comfortably accommodate wheelchair users and these are now found right across Canada. As low-floor bus service is provided, existing bus shelters are being modified to be fully accessible and all bus stops on accessible routes are being

audited to ensure that people with mobility aids can get to and from them as easily as possible.

In consultation with the Canadian National Institute for the Blind, OC Transpo has developed a bus-hailing kit that allows people with vision impairments to communicate to the bus driver which route they need. OC Transpo has also developed Braille bus stop flags, which are available in the conventional transit network to help visually impaired customers. Accessibility guidelines were developed to assist access for persons with mobility, visual, hearing, speech and cognitive disabilities and all new transitway stations and light rail are being built to these standards.

The O-Train was introduced in October 2001 as the first step toward city-wide light rail transit. It operates between Greenboro transitway station in the south and Lebreton Flats in the north, where a new station is being constructed. The stations are fully accessible and the low-floor trains offer easy access for everyone. City staff are working to ensure that all new arterial roads on which transit will operate will have sidewalks on both sides. All new collector roads will have, as a minimum, a sidewalk with curbs on one side and accessible raised bus pads on the other side.

I will now turn to Para Transpo. Para Transpo is a door-to-door transportation service for persons with disabilities who are unable to board conventional transit services. Passengers must be registered to use the service, and reservations are required. We are proud that Ottawa is currently providing more Para Transpo service per capita than any other city in Canada. However, that service is expensive. In 1999 for instance, the net cost per capita was \$21, in comparison with \$15 in Toronto, \$11 in Calgary, and \$13 in Edmonton.

The objective for OC Transpo in the coming years is to accommodate the growing demand for public transit services by people with disabilities in a fiscally responsible manner. As Ottawa's population ages and people with disabilities participate more in the community, the delivery of specialized public transport creates unprecedented strategic planning challenges and financial pressures. The crux of the issue before the city of Ottawa is to develop a plan to deliver public transit services to elderly and disabled people that satisfy community requirements and expectations in a cost-effective manner. The city has been working hard to meet these demands and continues to work with representatives of the disabled community and the city's accessibility advisory committee.

In conclusion, this vision statement summarizes our objective. The city of Ottawa values the contributions made by all its people and believes that the diversity among its people has strengthened Ottawa. The city recognizes the dignity and worth of all people. It does so by treating individuals, communities and employees equitably; by fairly providing services; by consulting with communities; and by making certain everyone has input to decision-making.

I look forward to working with my colleagues, city staff and our partners toward doing what we can to en-

sure that our citizens are enjoying the best quality of life our community can offer. Working together as partners, we can enhance accessibility for all our citizens.

1130

The Chair: We have time for a brief question from each caucus.

Mr Patten: Merci pour votre présence ici aujourd'hui. By the way, I must congratulate you. I know the city is taking a leadership role in comparison to municipalities in Ontario. You and the council and the mayor are to be congratulated for that.

However, I have a question for you, very briefly: what in this act enables you to either provide incentives, some pressure, or accountability on the part of the private sector? Many of the people who are affected are saying, "There's so much in day-to-day life that I'm affected by in terms of the private sector, but there's nothing in this legislation that does that." Is there anything in there that you see here or that should be here that enables you as a municipality, through bylaws or building codes or whatever, to say, "Listen, before you get approval for this, you have to be more accessible," or "You have to modify your building," or "You have to go back over a period of time to look at the barriers to the entrance of your stores," or whatever it may be?

Ms Meilleur: No. The way we see it, it is applicable to the public sector. I would like, if I have a recommendation, that we do all we can to render this applicable to the private sector too.

Mr Martin: Just to follow up on that, this morning in some of the presentations we've had the issue seems to be one of, "The city is certainly providing exemplary service. But you get to, say, the Byward Market and then you can't get into most of the stores or restaurants or coffee shops. That is what they're saying. That's a problem. The question that was asked is, will this act improve that circumstance or that situation?"

The other question I would have for you is—you've obviously done really well in the area of mobility and making your facilities physically accessible—have you looked at other disability groups and what they might need: the blind, the deaf and those with cognitive disabilities?

Ms Meilleur: Oh, yes, they are all part of our consultative group. We have two committees, accessibility and mobility, of which the membership is representative of the disabled community. I think we have most, if not all, the categories of disability present there. They are consulted as we improve our sidewalks, bus stops or traffic light crossings to help them to cross the street. They are involved and we value their input.

Mr Guzzo: Thank you very much for your enlightened presentation. I too would like first of all to state that we in the city of Ottawa are very proud of the progress and the leadership the city has shown. The former region and some of the constituent municipalities have been leaders in our community.

Of course, I hearken and mention that it goes back to the early 1970s and some of the enlightened councils that

were there then under Mayor Fogarty and Benoit and Greenberg, but that would be self-serving; the last person to ever do that would be me, and I don't want to be negative. I also want to commend the light rail project. For the people flying in last night, and I was one of them and came in on a later flight, if that light rail went to the airport, you have no idea how popular it would have been in that freezing rain around midnight last night, as opposed to the taxi service. I'll leave that.

I want to mention that yesterday I had the opportunity to introduce the amendments to the new City of Ottawa Act. Dealing with Ms Dronshek of your legal department has been a pleasure again. We did not have, though, at that time when I introduced it, the taxi changes. I'm looking forward to them coming very shortly. I mention that simply because I'm led to believe that we are not going to have in those taxi changes, the second phase of that act, sections dealing with what we are trying to accomplish in this act. I just mention that. I don't wish to be negative. I know it is a matter that is under consideration, but I would ask you to remember that it is a facet of transportation that has to be addressed. We should hopefully be moving forward in the same manner you are with the bus transportation. We do commend you for what you have accomplished.

Ms Meilleur: You're raising a good point. That was my criticism during the debate on taxis. We have not obliged the taxi industry to provide accessible taxis. I would say it is almost a disgrace. But the council will be working with the taxi industry to help them. Apparently, according to the legislation that regulates the taxi industry for the disabled, it is very costly. There are two points there. The taxi industry is asking the government to change the requirements to the way it is in other provinces. We want to development incentives for the taxi industry to provide accessible taxis.

The Chair: With this, we've run out of time. Au nom du comité, merci pour votre présentation ce matin.

CANADIAN NATIONAL INSTITUTE FOR THE BLIND, OTTAWA DISTRICT

The Chair: Our next presentation this morning is from the Canadian National Institute for the Blind. I would ask the presenters to come forward, please. Please state your name for the record. On behalf of the committee, welcome.

Mr Bill Clelland: My name is Bill Clelland. I'm a volunteer with the Canadian National Institute for the Blind, Ottawa branch, and I'm the chair of the client services committee here locally. I'm here to support a presentation by my colleague Colleen Hendrick.

Ms Colleen Hendrick: What Bill and I would like to do today is to make a presentation to the standing committee on behalf of the Ottawa branch of the CNIB. The purpose of this submission is to provide comments and recommendations related to the provincial Ontarians with Disabilities Act. First of all we'd like to introduce, in terms of context and background, what the local CNIB

does. The CNIB Ottawa District provides a comprehensive range of programs and services to 4,000 blind, visually impaired and deaf-blind children, youth and adults across our community. Programs and services include early assessment and referral, children's early intervention programs, adaptive daily living skills, orientation and mobility support, employment services, vision assessments, volunteer support, self-help support, intervention services for deaf-blind persons, specialized library resources and parent support services.

The CNIB is committed to ensuring that all blind and visually impaired persons achieve the greatest degree of independence and participation in our community. The CNIB provides a range of programs and services that build concrete skills, confidence and self-esteem in individuals and their families to allow them to participate and contribute as valued members of our community. The Ottawa district CNIB has actively advocated for the creation of progressive legislation, programs and policies that will result in a barrier-free community for all persons with disabilities. We believe that creating a barrier-free community requires adequate community consultation and engagement involving all sectors of the community, development of effective legislation and implementation of adequate programs, services and funding mechanisms.

While the CNIB Ottawa District supports the general direction presented in the draft legislation, we believe there are significant areas that require reconsideration in order to achieve the key objective of a fully inclusive, barrier-free community for all persons with disabilities. The Ottawa district CNIB supports the principles, recommendations and amendments that have been identified by the ODA committee. You will be familiar with the ODA committee. It is a voluntary group of 100-plus members who advocate for a barrier-free Ontario. Members of the CNIB Ottawa branch have contributed input and feedback to the ODA committee. We recommend that the standing committee incorporate these concrete suggestions and amendments to the proposed legislation.

We understand that the ODA committee will be submitting a report to the standing committee as part of the public hearings process. The CNIB Ottawa District wishes to acknowledge and support the incredible work of the volunteers in developing the ODA committee submission. We'd like to take a few moments to highlight some of the components of the ODA submission that we particularly support.

(1) Legislation should cover all disabilities, physical, cognitive or sensory. It should cover all barriers, not just physical barriers. All public and private sector providers of goods, facilities and services should be required to remove and prevent barriers.

(2) Timelines and standards should be decided through stakeholder consultations. The legislation should set out clear timelines for developing the guidelines as well as a process for consultation. The same requirements should apply to all employers, and there should be an effective way to enforce the law.

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At this point in the presentation, we'd like to provide some additional recommendations from the Ottawa district CNIB. Members of our district have discussed the issues and concerns raised by the proposed legislation, and prepared a letter in the past outlining these concerns. That letter has been submitted. The ODA committee has identified the previously mentioned issues as well.

The following issues are marginally addressed in the proposed legislation. We would like these additional issues to be considered within a broader context.

First of all, a comprehensive approach: The proposed legislation does not require all sectors of the community to participate. We believe the legislation should apply to all sectors, and that specific implementation timelines and compliance requirements are needed. We believe that standards are required, not just guidelines.

We also believe that blind, visually impaired and deaf-blind persons have different needs as well as shared needs. We believe a range of solutions need to be developed and implemented; for example, access to information in a range of formats, including Internet sites.

We believe the proposed advisory committees must ensure adequate representation of all disability sectors and ensure adequate representation by persons with disabilities. Representatives must also have effective links to their local community. The role of the proposed advisory committees needs to be integrated with other local advisory committees that have accessibility mandates, such as we have in Ottawa. I think previous speakers have noted that as well.

Secondly, funding: The background documentation included with the provincial legislation refers to a variety of funding sources and initiatives that have been introduced by the government during the past few years. We believe it's important to note that often funding initiatives are not necessarily integrated. One initiative may create unintended impacts in other areas for persons with disabilities.

In Ottawa, there are thousands of children with disabilities who require early intervention services and additional support programs to respond to their very specific needs. Across our community, there are programs such as children's mental health programs, speech and language programs, and various early years intervention programs. Those are all important programs in our community infrastructure. But programs typically have specific age targets or length-of-service targets which do not necessarily reflect the ongoing and changing needs of children with disabilities. Some programs provide services only to a specific age, such as the local Success by Six program and the First Words program. These are incredibly important programs in our community, but they are limited to a specific age group, and those limits are often defined by the funding sources. Children with disabilities need ongoing intervention and support, but the funding for these types of programs is often age-specific. Success by Six, as an example, should not mean Nothing by Nine. Children with disabilities become

adults with disabilities. The nature of the disabilities may change over time, but generally they do not disappear. Programs and funding mechanisms need to reflect the changing needs of users, particularly the needs of children and adults with disabilities.

We'd like to focus on another example, and that's the education system. Current provincial education funding formulas do not provide sufficient funding for local school boards to deliver appropriate special education programs and services needed by all children with disabilities. In order to achieve a barrier-free community, we need to ensure adequate funding is available to support children, youth and adults in reaching their potential. This means funding is required not only for physical modifications to buildings and facilities etc, but also to ensure that adequate programs and services are available across the community to meet the changing needs of people with disabilities. Additional funding must be available to employers, organizations, community groups, and to individuals and families to modify existing buildings, remove barriers and create a barrier-free environment. Additional funding needs to be made available through the taxation system, grant funding programs and other financial incentives.

Further funding needs to be made available for local school boards to provide adequate and appropriate special education programs that respond to the choices and needs of all students with a disability. Furthermore, additional funding needs to be made available to ensure that all students with a disability have access to accommodation resources and supports, adaptive devices etc, to ensure full participation in the educational system.

Additional funding needs to be made available across the community to ensure adequate community-based programs and services exist to respond to the changing needs of people with disabilities. This is a particular concern with services that have been downloaded from senior levels of government to local communities.

Additional funding needs to be made available for all employers to integrate and accommodate the needs of disabled persons in the workplace.

Additional funding is required for low-income persons receiving Ontario Works and Ontario disability support program funding. Low-income persons with a disability have added expenses and barriers such as access to affordable transportation, housing, adaptive and special devices, special diets, etc.

There are successful examples of the public and private sectors working together to achieve barrier-free environments, and we need to build on these best practices. An example is the United States.

Community design: the Ottawa district CNIB believes that creating a barrier-free community requires the integration of land use planning approaches within an overall strategy, one that is committed to improving the quality of life for all residents. Land use planning, bylaw development, regulatory development etc all should include barrier-free criteria. Other policy and regulation development should also include a similar assessment.

We need to create, build and support local groups that will design barrier-free communities. We believe it can be achieved when we develop appropriate local official plans, bylaws and regulatory frameworks. For example, the planning of a new housing subdivision and all of its amenities—whether that's schools, playgrounds, parks, recreational facilities, transportation systems—needs to be assessed within "barrier-free" criteria. At the same time, we also need a commitment for support and funding for the redesign of infrastructure, community facilities, buildings, parks etc in those communities that are already established in order to ensure they become barrier-free environments.

We need to be aware of the impacts of design on all residents. Removing barriers must not result in other negative, unintended impacts. Changes must make sense for all residents and improve quality of life across the entire community that we live in.

At this point I would like to provide a personal context in terms of imbedding those concepts and visions in the kind of community we hope to build. As Bill indicated, I'm a member of the board. I'm a parent of a visually impaired youth; he was born with visual impairment. He has congenital glaucoma, a degenerative eye disease. He has 10% vision in one eye only. He wears a prosthetic appliance in the other eye. He is 15 years old. He is absolutely curious about the entire world. He loves to debate and discuss ideas. He races on a local downhill ski team. He won a silver medal in the disabled Canadian championships out west this spring. He volunteers and he's a student council representative. He's totally engaged. I talk about him from the point of view of his self-esteem, because our son doesn't see himself as being disabled. He sees himself as being able. He always has. "I might do some things differently, I might experience the world differently, but I can do and I can take on anything that I desire." I think that's the kind of community we want to build locally, provincially and nationally.

As parents of a visually impaired child, we've learned some lessons. We absolutely think that individuals with disabilities have to have a strong voice in defining and implementing the change in their communities.

Over the years we have also learned that children with disabilities need a lot of support. They need access to early intervention programs and services. Families need to be supported. Children and families need to learn new skills of daily living, need to be supported in the major transitions from home to school, from school to work environments, participating and contributing in local communities. We have to develop, nurture and support positive self-esteem.

Children with disabilities become adults with disabilities. We believe a successful barrier-free environment will be one that adapts, that accommodates, recognizes and values all members of the community.

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The Chair: We have approximately two minutes per caucus.

Mr Martin: Thank you for so adequately explaining the diverse face of people with disabilities in community and the need to address their needs.

The criticism of this bill by some has been that it focuses solely on issues of mobility and accessibility in terms of buildings and this kind of thing. You mentioned, for example, the need for children in education to have the support and necessary resources to maximize their capacity to learn and to participate. That obviously takes a lot of money, and there is no money attached to this bill. There's no reference to the spending of any money. The government will make the case, I'm sure, that we're going to be running \$5 billion short in the next fiscal year. What would you say to the government in terms of the kinds of resources that are needed—money—and where they might get that money?

Ms Hendrick: That's an easy question. In terms of funding, the message we would like to leave with the members of the committee is that individuals with disabilities are members of our community, and that we need to invest in people, that we need to invest in programs and services, that we need to invest in facilities, and that we need to create policies that remove barriers, that create very inclusive communities and societies. If the question is, do we have all the money tomorrow in this province? the answer is probably no. But if there is a vision of what we want to achieve, there can be a way to achieve that vision. As parents of a disabled child, I think we would be looking for the government to demonstrate leadership, to make some of those financial commitments, to have a clear plan and to have accountability for how we are moving toward the achievement of that plan.

Mr O'Toole: Thank you very much for your presentation this morning. I would also like to directly thank you for sharing the personal story and the real story of being given the opportunity to be all they can be. I pick up on that because, as a trustee, for a number of years I served on the special-ed advisory committee and I am very familiar with where we've been and where your 15-year-old son has been and where we are. I would make the argument that for years much of the identified funding in special education was developing programs and other things. But now it is with ISA and other types. There's never enough, but it is now being clearly more directly related to the delivery of support services. I'm very proud of what the government, the Ministry of Education, is doing and must continue to do to improve opportunities for people who need support systems.

I was also impressed with the need for supports. In some respects there are supports in this legislation. If you look at the preamble and at some of the beginning framework, it provides for that—in my view and I'll let you respond. There was an opportunity between 1990 and 1995 for a vision to evolve and a commitment to evolve. As you said, I think this is a vision, a framework, an opportunity and a model that has the mechanisms for, first of all, access, input and accommodation for people.

I'd like you to respond to that because that's what this is. This is the visioning process. It isn't all the answers. A

prescriptive solution is far too early. It pre-empts most of the discussion we are here to hear about.

Ms Hendrick: I would agree the proposed legislation is setting out a vision of where we want to go as a community and as a province. On behalf of CNIB, Ottawa branch, we really commend that direction. But it also needs to be more than a vision. A vision needs to be adequately resourced, supported and funded, and I think, in principle, in terms of moving beyond a voluntary approach and looking for stakeholders to be all stakeholders across the community. That requires more than just a vision statement. That requires taking the vision statement and operationalizing it in terms of what that means financially, fiscally, and how initiatives would actually be developed and implemented and rolled out across the community.

Mr McGuinty: Thank you very much for your presentation, and particularly, thank you for sharing with us your experience connected with your son. I agree. I think one of the most important things we can hold before us is an ideal that inspires our efforts and informs our thinking, but at the same time we have to nail that down to bedrock and give expression to our commitment through concrete measures. We need standards. We need timelines. We need both carrots and sticks, acknowledging that we are dealing with people, and acknowledging human nature. I think a very important ideal in all this is, what do we want to achieve here in Ontario? What kind of society do we want to lend shape to? I don't believe we should be running the race that makes us the lowest-taxed jurisdiction. What we should be looking for, shooting for, is a place where people are at their best.

Frankly, if your son does well, I do well. It's not just a moral imperative to ensure he can achieve his potential, but in a knowledge-based economy we need everybody at their best, so it becomes an economic imperative at the same time.

I don't have so much a question for you, but just to express my appreciation for your comments and for championing the cause you're championing. I'm sure your son gets his commitment and drive, at least in part, from his mother. The apple never falls far from the tree. We look forward to hearing more about him and others just like him right across the province.

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

I would point out to the members that checkout time is prior to 1 o'clock today.

Mr O'Toole: On a point of order, Mr Chair: I wouldn't mind hearing from participants today on the suitability of the accommodations here for these hearings and any suggestions they may have. I put that to the public for all support systems. It's important for us, as we go through this, to recognize not what we think essentially, but the people who can easily identify shortcomings.

I want, through you, Mr Chair, to be affirmed that all the accommodations during these hearings will meet with every requirement in supporting special needs. I am

concerned with Windsor. I want to be assured that there will be no lack of system supports for the very group of the population we are trying to hear from. Without being critical, if I can be satisfied, then my point is redundant.

The Chair: I would consider that a point of order. If anyone has some input to submit to the committee, I strongly suggest that you address the correspondence to myself as Chair of the committee. I can certainly make sure the three parties receive copies of the correspondence.

Furthermore, on the point you raised with regard to Windsor, we have changed the venue in Windsor. I think it is the Sheraton Casino Windsor Hotel. Apparently it's more appropriate. I don't want to say the other facility was not accessible, but apparently this one is more appropriate. Mr O'Toole, with regard to the subcommittee report—I don't have them with me—there are some lists that are provided—I do have them; I'm sorry—with regard to some guidelines provided by human rights and disability access, the Ontario Ministry of Citizenship, that deal with signage, that deal with transit services. Basically it deals with accessible facilities in the province of Ontario.

I commend the clerks and their staff because they've done an excellent job in trying to provide the facilities and the support people to make sure that everyone who addresses the committee is accommodated. From what I've observed this morning, I would say kudos to the clerks for doing this.

Mr Martin: To bring to people's attention and to give kudos—as we are giving them out now—to research, we asked for a document that would indicate to us what's happening in other jurisdictions, both in Canada and abroad. Research has put on the table, this morning, helpful documentation on that which we should all take a look at. If there are people out there who want to have a look at that information, it is now available through the clerk's office, legislative research. We should be able to facilitate or help you, if necessary, to get your hands on that so we can see how we stack up where other jurisdictions are concerned in this very important area of legislation and regulation where accessibility and disabilities are concerned.

The Chair: To clarify your point, apparently there are copies available immediately if people so desire.

Mr Martin: It's a very good document.

The Chair: With that, this committee is recessed until 1:30 this afternoon.

The committee recessed from 1201 to 1331.

CHRIS STARK

The Chair: Good afternoon, everyone. Since we have to vacate the premises by 4 o'clock, we'll start right away and make sure we're on time. We don't have as much time to play with as we had this morning.

Our first presentation this afternoon is Mr Chris Stark. On behalf of the committee, welcome, and you have 15 minutes for your presentation this afternoon.

Mr Chris Stark: Thank you and good afternoon. I appreciate the opportunity of being with you. I come as a citizen, although I'm a member of many organizations, including Guide Dog Users of Canada, the National Federation of the Blind: Advocates for Equality and on and on.

My point this afternoon is to raise one issue, namely, the effect of the proposed bill on the private sector. There are many other things I could say, but they've probably been better said by others. While I'm not an active member of the Ontarians with Disabilities Committee, I've read their material and support their 11 principles, and what will be will be.

We try to live independently in the community and be the best we can be as contributing citizens. We look to our government and society for the supports and inclusive strategies that allow us to do that. For me, will this bill do that? I invite you, the next time you go to the grocery store, to close your eyes and figure out how you'd do it by yourself. Can you read the prices? Can you read the product labels? Can you in fact even find out what's in what aisle? Those are the kinds of barriers we face every day because organizations doing business in this province, good corporate citizens, do not serve or feel the need to serve all citizens. They are looking on us as an unnecessary and unjustifiable business expense. My disability is their attitudes, not my visual impairment. However, their attitudes handicap me in living in the community: not being able to read a prescription direction from the pharmacist; not being able to read the receipt to know if I've paid the right price for something.

I do have a job, although I'm here as a private citizen today representing nothing other than my one vote in this province. But I do pay taxes. I'm fortunate in being able to work and don't have a problem paying taxes. I do have a problem, though, with spending my money unnecessarily and being, for want of a better term, fleeced by an economy that thinks it's fine to give sighted people information about sales and product reductions and not blind people, and with a Human Rights Commission that is totally useless when it comes to providing opportunities for people who are blind to get access to the same information you take for granted.

When I look at the fourth principle that ODA has advanced in this bill, I don't see anything in the bill that's going to require this hotel next week to have tactile markings on their washroom doors so that I know with confidence I'm going into the men's washroom. Look at the washroom outside the bar; you'll find no tactile markings. When I go to the Delta Hotel in Toronto, I don't have an accessible thermostat in my room. I can't tell whether I'm putting it up or down when I adjust the heat. Those things aren't high-cost, high-tech things putting ma and pa businesses out of business; they are simple basics of everyday life. Where your bill needs to be amended, and I urge you to amend it, is in the area of saying to businesses, "If you want to do business in Ontario, serve all Ontarians or do your business elsewhere." Stand up and be counted. Give people the chance

to benefit from the economy, from what commercial activities are out there. The next time you go to a restaurant, can you get a menu in Braille?

We don't have to look any further than your committee, and I do compliment the organizers for their orientation and making us feel at home here today. The only agenda I can get is a written one in print. I'm sure somebody else has mentioned that to you. I don't have a super memory. I can't remember more than three or four things with any degree of accuracy, and what I remember now is not the way I'll remember it two hours from now. By saying to somebody, "Oh, well, you can remember nine choices or 20 choices on a menu," is not really the same as giving me a menu I can read. The only restaurants I know of that have Braille menus in Ontario are American restaurants that have it because of the Americans with Disabilities Act and find it cheaper to simply do the same thing in Canada.

What we need in Ontario is some statement by the government of Ontario that businesses have some responsibility to provide services to everyone, including people who are blind. I don't think your bill does it. In fact, I think the crafters of the bill are ducking the issue of making the private sector accommodate people with disabilities. You say, "Oh, well, the barrier-free design standard and the barrier-free design requirements basically focus on physical access needs, particularly for people who use wheelchairs," and while they're important and needed in society, there is more to disability than wheelchairs. I think your act has to step outside of that stereotype of disability and do some things for us other people with disabilities.

You have a service animal and you go into a store, and you have people trying to get you to leave because they feel that service animal is not allowed to be there. There is the need for training and there is the need for a requirement that anybody who does business in Ontario certify that they're qualified to serve all, including persons with disabilities. Mandatory awareness training is an equally important part of the whole equation of making Ontario an inclusive place where people with disabilities will be proud to live.

I know most of this is crafted in stone and you've already decided what you're going to do and probably coming here is a waste of time, but we keep trying to be included and keep making the effort. The question is, are you going to give us a helping hand, not in 20 years but tomorrow, today, so that the next time I go take a taxi in Toronto, as happened last summer, I'm not going to be refused to be carried, and when the door person of the hotel reports it to the taxi commission, the commission is almost powerless to deal with it.

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My point is, either I have dignity and the right to know how much I'm being charged, have the right to know that I'm not putting rat poison in my soup when I make soup because I can't read the product label, either I have the right to know that I am being charged the right amount when I pay for a bill, or I don't. That's really the question

you will answer when you give your amendments to your bills. Most of what I'd like to see is low-cost or no-cost, and they're going to affect such good corporate citizens as Canadian Tire, which refuses to make their sales flyers available in a format blind people can read; Sears Canada, which doesn't make their accounts available in a format I can read; Loblaws, which doesn't make their promotional material available. I give you specific names because I'm not talking about undue hardship and I'm not talking about putting a company into bankruptcy by letting me save a couple of dollars too. I'm talking about big business and big exclusion, and I don't see where your bill is going to deal with that.

I have a few minutes left in my 15 minutes. If anybody wants to debate that with me, I'd be happy to do so. Otherwise, I'll go on my way and do the best I can, and if you can give us a helping hand by making the private sector more accommodating, then I will, down the road, say thank you.

The Chair: We have approximately a minute and a half per caucus, and I'll start with the government side.

Mr Spina: Mr Stark, thank you very much, along with your friend, for joining us today. What's his name?

Mr Stark: His name is Richie Guide Dog, and Richie has worked with me for nearly two years. I had another one for 10 years before him and had equal challenges of acceptance. They're lovable creatures, but some people think they're not welcome.

Mr Spina: I'm interested in the comments you made about some of the private sector's potential for making it better and easier for blind people to access their services and goods. I have two short questions. I'm going to ask you both questions and then I'll let you decide how you want to answer them, OK?

You work for a federal agency. As part of the work that you do, are there any elements of that job that you think we should be looking at that would assist people like yourself?

The second question has to do specifically with the private sector, which you mentioned. I wondered if you could suggest some thresholds, perhaps. You talked about big business, you talked about sale products, communication, marketing pieces and that sort of thing. Have you got any ideas on the threshold of where businesses ought to be told to get into accessibility? Should it be the size of the business, by employees? Should it be by their gross sales? Should it be by the size of the store?

The Chair: You're going to have to wrap it up, Mr Spina.

Mr Spina: Those are my questions.

Mr Stark: Firstly, since I'd like to be employed tomorrow, I'm not representing my employer. I'm here as a private citizen with time off. That employment has given me an opportunity to briefly give you a bit of an answer, because I've been lucky to have the experiences I've had and the inclusions I've had.

I think the issue is if a company can make an accommodation without unduly affecting its ability to function, then it should. Twenty years ago you had the same argu-

ments about the costs of ramps and automatic door openers. What I need costs far less than an automatic door opener. A thermostat that I can read is a thermostat that doesn't cost much to make if you do it en masse. So I think my answer to you is, you can't draw the threshold in any way, shape or form except to say it's a cost that all society will bear and you can put that cost in the price of your goods, which we all pay. For example, Bell Canada charges us all 13 cents a month for the Bell relay service for people with disabilities.

Interjection.

Mr Stark: Well, 15. But we all pay it. There are lots of things I pay for that I can't use. So the issue is it's a cost of doing business. I'll leave it there. I'm certainly available to the committee at another time to answer it in greater depth, but my 15 minutes is up.

The Chair: No, we still have a couple of questions. For the official opposition, Mr Parsons.

Mr Parsons: Mr Stark, an interesting presentation. How did you find out about the opportunity to present today?

Mr Stark: I found out through the Ottawa advisory committee on the ODA that sent out an e-mail and then I simply phoned the number.

Mr Parsons: It wasn't any advertising or radio?

Mr Stark: No, sir.

Mr Parsons: How do you find out about public hearings on other issues when they come to Ottawa?

Mr Stark: Mostly through word of mouth from blind people and other interested people, a network of people with disabilities. The mainstream media are particularly uninterested in disability issues. Just to throw one out that's not within your jurisdiction, new technology that comes on the scene, like on-screen programming for televisions and cable—there's no reason why that can't be made accessible to blind people. You've already got the speakers and the television. So no, I don't find out very much information through mainstream media.

Mr Parsons: Do you have trouble accessing provincial government information in a form that you can use?

Mr Stark: Some things yes, although I will have to give the provincial government some compliments for their Web sites. In general, it is not too bad to use for a person who has a computer with a screen reader. It could be better, but when you come to things like Queen's Printer documents, when you come to things like department publications, no. Most staff don't know how to get that information to me. So from that perspective your bill may do a lot to help, but from the perspective of getting that information now, it is difficult. The Web has made it easier.

Mr Martin: Thank you very much for coming here today. Certainly, your concern is consistent with the voice that we've heard in a confident way since people have had a chance to look at this legislation, particularly in the area of it not doing anything to force the private sector to change its ways or invest in new ways of accommodating folks with disabilities, and the question of enforcement across the board.

This morning we've heard from a couple of people, on one hand, that the city of Ottawa is doing some pretty marvellous things to get people around. Then we hear from other folks who say that's fine, except that when you get to where you're going you can't get in. They talked about the Byward Market. One gentleman talked about a coffee shop, I guess, that just went up close to his home that, because of one step, he can't access either. What's your experience there, and do you think this bill will in any way improve that circumstance for you and your colleagues who are blind?

Mr Stark: To the extent that it encourages the review through an inclusion lens of any application for new or renovated construction, it has the potential. I'm surprised and continue to be appalled that I can't go to places like a Harvey's restaurant without walking on the "in" and "out" ramp that cars use, because there isn't a sidewalk connecting the front door to the city sidewalk. In the Signature mall out in Kanata that has just opened three weeks ago, it is very difficult to find the entrances to the stores because they've blended them all into the windows, you know, trying to make it look like it's all blended together. We need contrast and distinctiveness to do that.

My answer to you is, I don't see anything there that says, "If you want a new permit in Ontario to do anything, prove to the people giving you the permit that it is accessible. If it ain't accessible, then come back with the proof that it will be." That doesn't cost anybody anything about the things that are already there. It means if you want to do something new, make sure that blind people are going to be able to find the front door.

The Chair: We've run out of time. On behalf of the committee, thank you very much for your presentation this afternoon.

Mr Stark: Thank you for listening. I'll look forward to hearing what you decide about my modest request.

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EVELYN MILLWARD

The Chair: Our next presentation is from Evelyn Millward. I would ask the presenter to please come forward and state your name for the record. On behalf to the committee, welcome.

Ms Evelyn Millward: My name is Evelyn Millward. This is my reader for my presentation, George Hendry. With this lighting it makes it even more difficult, but I came prepared with a reader because I wouldn't be able to see my presentation. George is going to read for me the presentation I forwarded to the committee and the words I have been able to add since I got the notice last Friday. I had until Tuesday to submit my name for today. George will read the introduction I was prepared to make on my own, but I'm unable to see it.

The Chair: Thank you very much. You can go ahead.

Ms Millward: The first item is the letter dated November 30 of this year, Ottawa public hearing on Bill 125, addressed to Susan Sourial.

“Madam Clerk:

“I wish to thank the government for this opportunity to present in person my November 18, 2001, submission on Bill 125, which you have in front of you today.

“In the preparation time allowed for this hearing, I have been able to add a few words and still stay within the 20 minutes I am allowed for my presentation.

“I wish to thank you for permitting George Hendry to read my prepared submission.”

A letter dated November 17, 2001:

“Dear Clerk:

“Submission to public hearings on Bill 125.”

This is my submission to make Bill 125 strong and effective. Bill 125 will need to be amended in key areas to fulfill the goals set by the people with disabilities and by the government’s own vision statement.

Here are five key amendments: (1) requiring barriers to be removed and prevented within specific time frames fixed in the bill; (2) ensuring that the bill extends requirements for barrier removal and prevention to the private sector, as well as the public sector; (3) establishing a truly effective consultative and inclusive process for regulation-making and setting standards, which ensures the disability community a voice in these key areas; (4) creating effective ways to enforce the legislation; (5) strengthening the advisory councils at both the provincial levels so that they have teeth, are accountable to the disability community and cannot be ignored.

If the government can give the disability community a central role now by accepting amendments that are put forward by people with disabilities—my vision loss is caused by age-related macular degeneration, and my hearing loss is caused by hereditary otosclerosis—then the government has an opportunity to show that they support their words with real action in the upcoming public hearings on Bill 125. The government will show by their actions that the amended bill will ensure that it will do what the government now claims it will do for Ontarians of all ages, from birth to old age, with disabilities. This legislation will require organizations to remove and prevent barriers, not just make plans.

“I have made my ‘application of request for public hearings’ to the clerk of the standing committee on justice and social policy. I am requesting that my submission” to the standing committee on justice and social policy “be heard in ... the city of Brockville in eastern Ontario.” Evelyn Millward of Brockville.

This next portion is in extremely fine print and time did not permit its being reformatted.

This shows that in significant part this bill repeats matters that are already law in Ontario and offers up measures that the Ontario government could have undertaken throughout its two terms without needing new legislation. The government says that under this bill the Ontario government will lead by example. Yet the government has said it has been leading by example on this issue throughout its mandate.

The government has made a number of important statements about what persons with disabilities need and

seek in this legislation. We agree with many of those statements. This bill does not live up to those statements. It does not achieve the great benefits for Ontarians with disabilities, for Ontario’s business community and for all Ontarians that a strong and effective ODA could bring us all.

The above five key amendments are designed to achieve four goals: to make the bill include all the things that the government says it includes; to bring the bill into full compliance with all 11 principles for the ODA, which the Legislature unanimously adopted by resolution on October 29, 1998; to ensure that the bill is strong and effective, in accordance with this Legislature’s unanimous November 23, 1999, resolution; and to clarify the bill’s often vague and confusing wording. Due to the Legislature’s rushed timetable for debating the bill and for public hearings, we have not had enough time for research and for as full a consultation on our proposed amendments as we feel persons with disabilities deserve.

The five above amendments would make the bill’s purpose the achievement of a barrier-free Ontario; require barriers to be removed and prevented within specific time frames; require that important regulations under the bill be made within time frames set in the bill; ensure that the bill extends requirements for barrier removal and prevention to the private sector, as well as the public sector; strengthen provisions seeking to prevent new barriers from being created with taxpayers’ money; establish a truly effective consultative and inclusive process for regulation-making and setting standards which ensure the disability community a voice in these important decisions; establish effective ways to enforce the legislation; and strengthen the provincial advisory council and the municipal advisory committees so that they have teeth, are accountable to the disability community and cannot be ignored.

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Conclusion: The issue before the Legislature in Ontario is not whether Bill 125 is a “good first step.” That expression dramatically lowers the bar. After six and a half years, Ontarians with disabilities deserve more than a first step. We seek an ODA which is strong and effective, as this Legislature unanimously promised us on November 23, 1999. We call for amendments that will fulfill that promise. We urge the standing committee and the Legislature to give these proposed amendments—and amendments which others will propose—the time, consideration and debate they deserve. We are eager to do what we can to help achieve our dream of a barrier-free Ontario.

The Chair: We have approximately two and a half minutes per caucus.

Ms Millward: Excuse me. I’m not able to hear the voice. Can you indicate where it is coming from?

The Chair: Yes, it is the Chair. I’m directing as to who is going to be posing—

Ms Millward: Is your hand up? Are you there or there?

The Chair: I’m in front of you.

Ms Millward: You are the person speaking?

Mr Patten: Yes. My name is Richard Patten. I'm the MPP for Ottawa Centre, the riding in which you are here today.

Ms Millward: I won't be able to hear you. I'm sorry. The sound system is not working with my earphones. So you can go ahead but I won't be able to hear your voice.

Mr Patten: I'm sorry about that. Let me thank you for being here. It was a very thoughtful presentation indeed. I agree with the idea that after six years, we should not be in a position, once the legislation is through, for anyone to say, "Well, it is a good start." That would be a tremendous disappointment, and I'm sure the members on the committee, most of them, feel the same way. I hope when we get to amendments they will support the amendments that we hear from people like yourselves in terms of what is there.

You did identify an area—most people and certainly the non-government members feel that way—where there is little challenge to the private sector, especially for this government, which has such a good relationship with the big corporations, to come and pull up at the table and participate in that. Do you have specific recommendations related to involving the private sector in this particular piece of legislation?

Ms Millward: I believe that my presentation is very self-explanatory. I don't think I need to explain that to you. A businessman is somebody who wants to sell something, whether it is to a disabled person or not. Disabled people—

Interjection.

Ms Millward: What is this? No, I don't think that is going to work. Anyway, it is not for me to hear; it is for Richard to hear what I'm saying.

I believe that my presentation is very simple and self-explanatory. The question you're asking is so simple that it really doesn't need an answer. By the private sector, we mean business people. They would be happy to have the disabled community in their shops, in their businesses, using their services and their products if some barriers were now removed and future barriers did not exist.

The Chair: Mrs Millward, it's Marcel Beaubien, the Chair of the committee speaking to you. I will direct the next question to Mr Martin who's on your right.

Mr Martin: Over here. I don't really have a direct question to you because I think you're absolutely right. The points you make in your submission are clear and to the point. If the government is at all interested in taking these hearings seriously, they will indicate so by tabling amendments next week that will fix this bill and make it work for everybody out there who is disabled.

What I want to put on the record, because you, I think, highlight it so clearly, is the fact that the government in its haste to push this bill through before Christmas, after keeping us all waiting for six years before tabling it and the fact that it affects 1.6 million Ontario citizens, if we had—

Ms Millward: That's more than a year ago. It was 1.5 million.

Mr Martin: If we had waited until after Christmas and used that January, February and March period, we could have gone to Brockville, which is a suggestion that you made. We could have gone to a number of other communities across the province, in eastern Ontario, western Ontario and particularly northern Ontario, from my own perspective, and heard from people re the unique circumstances that are presented in those areas where disabilities are concerned.

The other thing that needs to be recognized here—and this is not casting any aspersions on the staff of the committee—is that when you are trying to accommodate, listen to and include people with disabilities, you've got to be aware of some of the unique circumstances for people like yourself in terms of your ability to hear and work very hard to make sure that the facility we use is acoustically friendly. I believe you also mentioned that the lighting wasn't good in terms your ability to read here. That's something else we probably could have dealt with more effectively had we taken the time that I think is there for us in January, February and March to actually have these meetings and have dealt with those things.

The Chair: Question, please.

Mr Martin: I don't have a question. I'm putting those issues on the table.

Ms Millward: Are your comments that you're making to me going on the record? Are they going to be written down and given to somebody who does have authority to take some action?

Mr Martin: They'll be written down. I don't think we are going to get much action except, on the question of the amendments, I hope that we will see amendments that will reflect that they've listened to the consistent message we are hearing here today and I suggest we will hear over the next week in terms of the speed at which these hearings are being held and the limited number of communities. I'm not sure.

The Chair: Mr Martin, I've asked you to pose a question. I have to go to the government side.

Mrs Millward, it's Marcel Beaubien, again. I will address the question to the government member Mr O'Toole, who's on your left.

Ms Millward: All right. There. I'll try to hear you.

Mr O'Toole: Thank you for your presentation, Ms Millward. I appreciate it. We have received it and it will be given every consideration.

Ms Millward: May I ask a question? Of the people who are sitting here, how many are elected representatives of the government of Ontario and how many are not? Can someone tell me?

Mr Spina: There are eight elected members.

Mr Patten: Five government members and three opposition members.

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

Ms Millward: Thank you very much for having me.

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DISABLED AND PROUD

The Chair: Our next presentation this afternoon is from Disabled and Proud. I would ask the presenters to please come forward and state your name for the record. On behalf of the committee, welcome. You have 20 minutes for your presentation this afternoon.

Mr Charles Matthews: Good afternoon, everybody. Sorry for my voice. It is a little raspy. I lost it on Labour Day weekend during our muscular dystrophy telethon and I still haven't got it back yet.

You should have before you a copy of what we're going to be speaking to today. One thing we'll be taking out is the 11 principles, because I'm sure you're all aware of the 11 principles by now and you've seen them many times over. The 11 principles, though, will be addressed.

I wish to start by introducing ourselves. My name is Charles Matthews. I'm president of Disabled and Proud. Behind me is Jean Wyatt, vice-president.

We are Disabled and Proud, a group that represents over 200 individuals and groups in the Ottawa area. Those numbers are approximately 1,000 if you count the members of the groups as individual members. I was told yesterday that we've also been known as DAP, so we must be going someplace.

Disabled and Proud is a group of disabled persons run by the disabled and worked on by the disabled, and is a collection of voices that are of the disabled. Our group has grown to include the province, this great country of Canada, and also the globe through our club on the World Wide Web, in which we have currently over 60 members and groups.

Disabled and Proud was formed as a group of the disabled community who were frustrated with the problems our community was facing during a labour dispute our para system was having. Our stakeholders were being held hostage by this dispute, and we sought a way to take the proverbial bull by the horns and try to get our rights back. We were part of a group back then called Access Ottawa and only numbered four. But Access Ottawa attracted over 60 during this time and thus we had a larger voice. Access Ottawa held a rally or march, whatever you wish to call it, that literally shut down the rush hour public transportation drive home in May of this year. We really were surprised to see the support we got from the great citizens of this city. We had our service back within the week.

Disabled and Proud was formed right then and there, as many individuals liked what they saw and felt. They soon came to realize that Disabled and Proud represented only the truth and that what we stand for is equality and truth. We went on to represent our own group starting at the Ottawa 20/20 summit which was held here in Ottawa in the spring, and the rest is history.

Some of the accomplishments we have had so far are that we reshaped Parliament Hill with great co-operation of the federal government. I'll ad lib here and tell you

that you might want to read the current issue of Abilities Magazine, page 53, which you should all have a copy of. We have voluntarily conducted many accessibility studies, one of which was on city hall here in Ottawa. Of course the city didn't mention that it was Disabled and Proud that started this. We were responsible for the representation at the Ottawa 20/20 summit, and even Mayor Bob Chiarelli said that we, the disabled, were heard and the city will include the disabled in all aspects of work that the city will do from here on. As a result of this, they have now formed the accessibility advisory committee and other groups and subgroups. In our short time, we have accomplished so much, which I can relate at another time, as we have some important words to share with you today that are of more urgency than our introduction.

The ODA, Bill 125: the opening prayer at Queen's Park that we share each and every session has a sentence that we feel has not really been heard, but noticed ever so casually. These words are, "Guide us to understand the needs of the people we serve." The ODA committee has spoken for many years. Queen's Park has said they heard ODAC on November 23, 1999, but as evident in the tabling of this bill, it is quite clear that the government should revisit their prayer and truly open their hearts to what was asked for on that wonderful day. We felt special for a change, as we thought the government really started to stand up and take notice of what the disabled community was trying to do. I guess we expected a little too much. The 11 principles that we refer to constantly were expected to be heard loud and clear. I guess they were not.

Today we stand here to ask that the government really take note of the 69 pages of amendments that we, the disabled community—and I'll ad lib here that Disabled and Proud was part of this—through the collaborative efforts of the ODA committee, have come up with. David Lepofsky and the ODA committee have filed these separately, and these we stand by wholeheartedly.

I was in a phone conversation with Cam Jackson's office last week—and I cleared this with the secretary with whom I had the conversation. "Why does your group not acknowledge that this is the best thing that's on the books right now for the disabled community?" We replied, "The most important word we want to make sure is heard is the word 'but' and everything that is said behind the word 'but.'" We at Disabled and Proud say yes, this is the best that's been committed to by any government as legislation, but—and I repeat "but"—it is a far cry from what we expected and what we feel was a golden opportunity for the government of Ontario to show some true leadership by tabling what the disabled community needs and wants.

I have a couple of fillers here.

You know the 11 principles that we the disabled community and everyone else expected to be in the ODA. We were planning to go over them at this point, but there are other items that we'd like to discuss. If you're following this on paper, you might want to go to

the end of page 4. These are the 11 principles—and you all know them pretty well by now—that must be put back in an ODA or it will not be what the disabled people of Ontario need or want.

The government has stated that they are backed by some organizations, but with our contacts we find that their “buts” were not picked up either. As a matter of fact, we have a whole lot of organizations—and you know that a lot of them made a contribution at Queen’s Park a couple of weeks ago with a letter, those being, for instance, the Alzheimer Society, the paraplegic society, the Muscular Dystrophy Association, the Multiple Sclerosis Society, and so on and so forth. There were a lot of them, and they’re saying, “But it has to be stronger, more effective. There have to be time guidelines. There has to be something more there.” As a matter of fact, a whole lot of organizations feel the same way we do.

As the bill stands now, we get the feeling that as the federal government has passed this on to the provinces, the Ontario government is passing the buck on to the municipalities. This will not affect small places like Rockland. Rockland is a small town with a population of less than 10,000 people. A couple of our members are from there. They will not be covered. There will be nothing mandatory, not even the plans that populations of 10,000 people or more have to do. There will be nothing to really say that they have to do anything. As we see it, this bill will pass the responsibility on to 160 geographical areas in Ontario but not the whole province.

For many decades, all kinds of governments, as well as the private sector, have taken a guess about what we need and want. All we are saying is, listen to the disabled community and hear us. As it states in your opening prayer in Queen’s Park, “Guide us to understand the needs of the people we serve.”

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In closing, I have a couple of more comments. For instance, inaccessibility: a lot of times, it’s treated as if, “Well, it’s only a small thing we overlooked.” As a good example here in the city of Ottawa, it was brought out before that we have this fantastic O-Train. Yes, we were on that O-Train all day yesterday during all that snow, because we wanted to do an update on it before we came here today. The O-Train will be a fantastic mode of transportation here in the city of Ottawa once it’s fully accessible, but the ads have read from day one, during the opening speech of the opening ceremonies of the O-Train, that it’s fully accessible. Even up to last week, the ads went out “fully accessible.” If you get off at Carling station, you can’t get out of the station if you’re in a wheelchair or scooter. The elevator has never been in operation; there are only stairs. It’s things like this. They’re little oversights by the able-bodied community, not the disabled.

We find that there have been two barriers created so far with Bill 125. One was the fact of the second reading. Many of our members, including David Lepofsky with the ODA committee, were more or less mentioned. It wasn’t promised, but it was more implied that we would

be notified so we could be there, for instance, in regard to a second reading. We weren’t going to know until the morning of the second reading.

One thing that’s in Bill 125 actually hurts us. A lot of police here in the city of Ottawa have stated they will not enforce a \$300 fine for people parking in what we now call a disabled parking space. What are they going to do with a \$5,000 fine? This is the only thing that had any monetary value attached to it. We find it very strong and, if anything, it creates more of a barrier than it relieves.

I’m open now for any response or questions, and I thank you for your time.

The Chair: Thank you very much. We have approximately two and a half minutes per caucus. I’ll start with Mr Martin.

Mr Martin: Thank you very much. I appreciate the comments you’ve made here, particularly around the very important issue of notice and accessibility to the actual process at Queen’s Park and these hearings. We’ve raised that consistently over the last couple of weeks, that there’s no need to rush this, that it’s taken over six years to get to the table, so why don’t we take the time necessary to make sure everybody can participate, particularly those who are affected most directly? Then everybody could have their input so at the end of the day the government is completely clear as to what is required if they’re going to live up to the 11 principles of the resolution that was unanimously passed in the Legislature.

Having said that, and knowing of your involvement and some of the work you’ve done to be prepared to come here today, what would be the priorities for you in terms of government amendment to this act?

Mr Matthews: First of all, I’ll give you a little background. I have my business administration and finance from McGill. I’m an accountant and worked with the federal government for a long time in corporate tax. Unfortunately, I don’t do it in Ottawa any more. I’ve also taken a lot of courses in a lot of things, so I do know a lot about, for instance, the way Queen’s Park works, the way different legislation is passed through in the three readings and so on.

One of the rules that I presented before our membership, and they came back and said it sounded fantastic, was the rule on continuance. What we would probably have liked to see here is that continuance maybe be put on this, preferably before the 15th, before you pack it in, so therefore it can be carried on later or, as you presented before, maybe it could be dragged out into the new year to give us more time. But it seems that on the 11th it’s going back to Queen’s Park, with maybe one or two days of clause-by-clause, and then will be enacted into law. We feel it’s open and shut, but we would have liked to see something along the lines of continuance, where even if there is a leadership convention and you do bring in a new sitting at Queen’s Park, the 38th sitting, then it would have been able to be brought up and continued at that point. Does that answer your question?

Mr Martin: Yes. Thank you very much.

Mr O'Toole: Thank you very much, Charles and Jean, for your presentation. In looking at the background of Disabled and Proud, I commend you for your ongoing role to get the message out. One of the barriers is the understanding barrier, and I think you play a very important role.

Ottawa sets a good model of engaging people who during their real lives have to deal with things that many people who don't need those kinds of supports don't understand, as you've described with some of the current situation.

I know the province of Ontario has a very important part economically and in terms of population for Canada, but if you look at some of the references made to perhaps a higher order of respect for removing barriers, they often refer to the Americans with Disabilities Act as being a better framework. There again, that's a national theme. But regardless of where you choose to live or participate, you want to participate. That's what I've heard people saying. It shouldn't matter if you're in Newfoundland or Nova Scotia or Toronto. It's easier to pick on Toronto.

I think Quebec is the only jurisdiction, and maybe a bit in BC, that I've been able to discover—but what advice could you give to the federal government to raise that bar from your perspective, not me as a provincial member? We're in the city; we're in the capital of this country. You've just explained one example where a municipality can't do it on its own. I think some of the provinces certainly can't do it, and yet you want to have accessibility across this great country. What should the federal government do?

Mr Matthews: First of all, every province is going to have to have their own disability act. There's no getting around it with the Constitution. That means 13 different acts, of course. There's 10 different provinces and three different territories.

Yes, there is going to have to be something done at the federal level. We've already jumped you on that one. We've already been in contact with them back in March. We've been working with them because there's no province that's going to be able to tell Air Canada or VIA Rail or Parliament Hill what they have to do. But Parliament Hill, as I mentioned, has been very co-operative with us. They have reshaped all of the grounds at Parliament Hill. Unfortunately, buildings are not done yet, because that was going to be done the week of September 10, and we all know what happened on September 11. But this is still in the works and we're still contracted to go in there, free of charge, of course—when I talk about contracting, I don't want you to think I want to make money here. But once things settle down a little bit more on the Hill, we're going to—

Mr O'Toole: Have they set up timelines and deliverables, or is it “working in co-operation” kind of language?

Mr Matthews: Right now it's been “working in co-operation,” with no red tape.

Mr O'Toole: That's what we're trying to do too, I think.

Mr Matthews: Well, the thing is, not really, from what we understand. We voiced our opinions of what we need, and if Bill 125 is the outcome of the no-red-tape acceptance of what we're saying, I'm sorry, but Bill 125, as far as Disabled and Proud goes, does not step up to the expectations that we had. It is the best thing that's on the books in Canada; we're the first ones to say it. But remember that word “but.” It's not anything compared to what we expected. If we expected a dollar to buy a loaf of bread, we've been given 10 cents. If we take that 10 cents and go to the supermarket and ask for two slices of bread, I'm sorry; they only sell it by the loaf. So what we're saying—

The Chair: I have to go to the official opposition. Mr Parsons.

Mr Parsons: Mr Matthews, this question may be unfair, and if it is, just tell me, but the government has forced through a time allocation motion, which means there will be one more hour of public debate in the House before we vote on it. If the government allows no amendments—and if you look at the numbers, that's possible—if they allow not one single amendment, which is preferable to you and your group: no ODA or this ODA?

Mr Matthews: It's very tough. We need something on the books, but not this. I'm really divided. It's going to have to be a decision the Ontario government's got to make. It's not our decision.

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Mr Parsons: So you're saying this bill is tied with no bill.

Mr Matthews: No, I'm really in between the two. It's very confusing because, yes, we would like to see something there. But for instance, there's a five-year clause in there, that you have to visit it in five years, but is there anything where you're willing to say, “OK, we will visit it again next year.” Maybe we can look at that, or maybe it should be every six months for the first three years until we get it right and the disabled communities say, “This is what we need and want; that's fine.” If we agree and say, “The bill as is,” it is possible it could be seven years from now until we'll even be able to talk about this again and the government will be forced to talk about it again.

So it's very tough to answer that question. We've got people in our organization who are looking at both sides. As is, it's not right.

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

Is Mr David Green in the audience?

GILES WARREN

The Chair: If not, I ask Mr Giles Warren to please come forward. On behalf of the committee, welcome.

Mr Giles Warren: Good afternoon. My name is Giles Warren. Although I am a member of the Ottawa accessibility advisory committee, I am presenting here as an individual, as our chair will speak on behalf of the committee; in fact, he's already spoken.

First, I would like to thank the standing committee for allowing me to make this presentation regarding Bill 125. I would also like to thank Minister Cam Jackson for pushing this bill, which I suspect was not high on the list of priorities for some of his cabinet colleagues.

Because of my own disability, I have been active with accessibility issues for many years. I am sure other presenters will delve into the detail of this bill. Thus my presentation will mostly be general in nature.

I have always been of the opinion that a weak Ontarians with Disabilities Act would be worse than none at all, because the general non-disabled public would then assume the disabled were protected when in fact they were not. I have not changed that opinion. Thus I have real trouble with this bill.

I appreciate that Minister Jackson has spent considerable time and effort, and perhaps cajoling, to bring this bill this far, and I would really like to say nice things about it. Unfortunately, keeping to my principles, I must be honest. This bill is far too weak, with no enforceable areas and no involvement of the private sector at all, as far I can see. It also has no accountability. It calls for plans of all sorts, but plans are just that—plans—unless there is regular accountability relative to those plans to ensure that what was to be done in the plans was in fact done, or else reasons for their not being done.

Probably 95% of a disabled person's interactions are with the private sector, yet there is no mention of it except very peripherally. In fact, in a couple of areas, it goes out of its way to ensure it's not construed to cover the private sector. Changes to other acts and codes required by Bill 125 might have a small trickle-down effect on some accessibility aspects in the private sector, but there is no guarantee of that.

I would like to give the committee one example of an accessibility problem in the private sector that, in my opinion, could be helped considerably by inclusion in Bill 125. With the gradual demise of the full-service gasoline stations, I have been trying for about a year now to obtain information from the major oil companies about how they serve, or plan to serve, gasoline to their physically disabled customers who cannot pump their own gasoline.

Self-serve stations have, on a number of occasions, refused to serve me. Once at night on Highway 417, when I was low on gasoline, I could have been left stranded. The reply was, "We are not allowed to serve customers at a self-serve pump." That was notwithstanding the display of a provincial handicap sticker. At dual self-serve/full-serve stations, where three or four more cents per litre is charged at the full-serve pumps, the disabled person must pay the higher price, once again because attendants are not allowed to serve gasoline at the lower priced self-serve pumps. This constitutes price discrimination because the disabled cannot avail themselves of the cheaper offering. An offer that simply cannot be accepted is not a true offer. There are many easy, relatively inexpensive ways to avoid this price discrimi-

ation, but because there is no legal requirement to do so, the oil companies have simply ignored it.

Canadian Tire Corp, for example, which now has only self-serve stations, totally refused to outline their policy as to how they serve the disabled. Just as an aside here, I wrote a fairly lengthy letter, very polite, asking them how they intended to serve customers. Their answer was a one-liner that said, "We continue to build industry-standard stations." That was the answer to a request for information. That was all it said.

Other oil companies, to date, also have not provided any information on the subject. During this quest it has been suggested, to my astonishment, that as long as the disabled still had somewhere to buy gasoline at competitive prices, that is, roughly self-serve prices, then they should have no complaint. That would mean that in my own living area I could obtain gasoline at only three out of 16 gasoline outlets, and these three could soon be gone. Imagine telling a black person that only three of 16 stores in his area would serve him because he was black, but as long as he still had somewhere to buy his product, he had no complaint. Those stores refusing service or charging him more for the same product would find themselves in court with the speed of light. Yet that is what is happening to the physically disabled in this area.

This is true discrimination in its ugliest sense. In my opinion, not including the private sector in Bill 125 to prohibit discrimination such as this is omitting 95% of the job.

No one, least of all the disabled, wishes to put businesses into bankruptcy by catering to the disabled's needs. But to totally ignore the private sector makes the bill's value questionable. The bill must be amended in such a way that, in the long run, most private businesses would be accessible and any costs incurred would be considered simply part of the cost of doing business, as it is now for such things as automatic door openers, curb cuts at malls, special toilets etc—driven, I might add, by firm requirements in the building code and other codes.

Another area, in the public domain, that I would like to see specifically addressed in Bill 125 is that of school portables. Because of an exemption in the building code, almost every school portable in Ontario is not accessible to a person in a wheelchair. I, personally, could not visit my own children's classrooms because they were in portables. And new non-accessible portables are added every year, thus creating new barriers. These non-accessible portables restrict not only access to students, but to disabled parents and disabled teachers. School boards must be prohibited from creating these new barriers and must progressively make all portables accessible. The building code must be amended to delete this exemption, and Bill 125 must be amended to address discrimination such as this.

Because the bill only covers municipalities of 10,000 people or more, one must assume disabled persons in smaller communities are not worthy of equal treatment. In fact, smaller communities often, because of very limited finances, offer the least accessibility to services and

buildings for the disabled. Their needs must be addressed in Bill 125.

In discussions, some people have stated that the act will be an overriding authority and that the details will be included in the regulations. However, as people who have a knowledge of such things will know, the regulations cannot stray from the content or intent of the act. They cannot cover other areas. The bottom line is, if it's not in the act, then do not expect it to be covered in the regulations. That cannot happen. For action in a specific area, it must be in the act.

Some people have also stated that once the act is proclaimed and it receives public attention, moral suasion will bring in changes. That is not an argument that appears realistic to me. The disabled have been around, and visible, for decades and yet here in the year 2001 we are begging the government and the private sector to consider our needs as citizens. When it comes to incurring costs, moral suasion does not work.

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In the private sector, businesses watch the bottom line very closely. On a number of occasions when I have asked a business operator why they did not do one thing or another to assist the disabled, the answer was always the same: "The market is tight and I cannot incur costs that my competitors do not." The oil companies have used that same argument. Also the car companies for years used that argument to avoid adding many safety features to the automobile. In the case of the car companies, only government legislation brought in the needed safety features. The answer seems simple to me. When all are compelled to act, then there is no unfair competition. Piecemeal and voluntary action in general does not work.

If the private sector realized the financial gains to be made by accommodating the disabled, they would be amazed. For example, we are a family of four and we do not shop, dine or purchase products where it is not accessible or where we feel we are not wanted because of my disability, and there are thousands just like us. In the scheme of things that probably means millions of dollars lost to non-accommodating establishments, not to mention the loss of convention dollars to any city where accessibility is not of paramount importance. As an aside, I believe that has happened a few times in some areas, where conventions have not come here from the States, not particularly to Ottawa but to cities without accessibility.

Specific areas in the Bill that I feel must be addressed are the lack of timelines for any action required and the lack of penalties. If one chooses, one can simply ignore anything required by the Bill, and the only recourse for an individual is to lay a complaint before the Ontario Human Rights Commission. My last complaint before the Canadian Human Rights Commission took seven years to resolve. That was one of my own and I lost.

My area of knowledge is generally with the problems for the physically disabled. However, I note there is a dearth of content in the Bill relative to other disabilities,

such as those for hearing, sight, intellectual etc. These omissions should also be addressed in the Bill.

I have also read the presentation made, or to be made, to this standing committee by the ODA committee with its many recommended changes. I fully support those changes and hope the government will see its way clear to incorporating them.

To conclude, I am very pleased to finally see a proposed ODA. However, to make it strong and effective, major changes must be made. I think with the goodwill of both the government and the disabled community we can make this bill, and eventually the act, one of which Minister Jackson, the government and the public will be proud. Thank you for your attention.

The Chair: We have two minutes per caucus. I'll start with the government side.

Mr O'Toole: Mr Warren, it was a pleasure speaking with you over lunch. I can assure you I wasn't attempting to influence your presentation, nor does it appear I did.

Mr Warren: No, you didn't.

Mr O'Toole: That's good.

Mr Warren: I have very strong opinions.

Mr O'Toole: I appreciate that you make some very strong observations, some of which have been reported before. I'll ask you a simple question: if there was one particular change, amendment or enhancement, whether it's on the enforcement side or the regulations side, what would you suggest without needing any—for instance, as I see the bill, there's a requirement, as you know, to review at five years. By the time they get the new directorate set up and rolling and find the model of relationship with the minister, the ministry and the directorate, we'll probably be in a review phase coming toward the five years. So the input I think would be continuous. But I want to hear today: if we were to go back to the House before Christmas and try to get this into law and get this moving, what would that change be?

Mr Warren: One change? I'd be torn because I think you need two things: you need some enforcement and you need to have the private sector covered. I wouldn't want to choose because I think they're both equally important, but if I had to choose, I would say you have to cover the private sector.

Mr Patten: Thank you very much for your succinct presentation. If I can just follow up on the last point, because that's what I got as your loudest message: the legislation identifies various sectors, municipalities and what have you, organizations, agencies, its own ministries etc, but it leaves out the private sector. I don't know why, quite frankly, because as you say—and you're the first one to say—"Listen, 95% of disabled people's experience with barriers is with the private sector. How could you leave that out at this particular stage?" If, as you reviewed the bill, you said, OK, there's going to be in one of the lead-ins the private sector, what would that look like? How would you describe that?

Mr Warren: I guess one would have to simply say that in the areas where various things are required to be done by the public sector—without going through line by

line, which I am not going to do—one would have to include making sure that you're not only talking about public sector buildings, public sector services etc, you're talking about the private sector as well, recognizing that the private sector can't do it all at once, as I said earlier in my presentation. No one wants to put a company out of business, that's the last thing anyone wants, but there must be some kind of force exhibited, to some extent, anyway, to make it happen in the private sector.

The Chair: We've run out of time. I have to go to Mr Martin.

Mr Martin: I appreciate some of your comments today. They reflect very clearly things I've heard both at home in my own community of Sault Ste Marie and certainly as I've talked to people with disabilities living in communities and what we've heard so far today, the fact that it's difficult in ways that we who aren't disabled can hardly imagine. I mean not being able to visit your children at school. I talked to a couple of people in Sault Ste Marie who can't visit their parents at home because they can't get into the house any more. It used to be that they were able to, but as their disability progresses, the bigger chair and all that kind of thing, they can no longer visit at home unless the parents are willing to put out the \$10,000 or \$15,000 to get the lifts, ramps and stuff like that in place. It's quite a challenge, but that's not what I wanted to ask you about today.

Given your answer to the government side on the question of the private sector, I can share with you my hunches of why we're not going to the private sector and saying, "Here are the parameters"—like you say, not driving them out of business because it might be considered to be politically tainted—but why do you think the government's not covering the private sector with this bill?

Mr Warren: Actually, I intended to answer the other gentleman earlier in that area. I think the government feels that with the various other acts, as I've mentioned here, and codes that are required to be changed in the bill, there will be a trickle-down effect because many of the codes will affect building which would often be private, stores which would be private—they'd have to get permits to do this, permits to do that, to build, to make sidewalks, whatever—and that somehow there would be a trickle-down effect from the changes required through the public sector that would eventually include the private sector sort of coincidentally but, in the last analysis, actually.

I personally don't think that's a good way to go. I think we need to be upfront and clear. We want the private sector included. That's an approach that's like a slow-motion train. Maybe someday eventually we'll get there, but I don't think it's very fast.

The Chair: On behalf of the committee, thank you for your presentation this afternoon, Mr Warren.

1450

DISABLED PERSONS COMMUNITY RESOURCES

The Vice-Chair: Our next presenter is Danielle Vincent, community development worker with Disabled Persons Community Resources, if she'd come forward now. On behalf of the committee, welcome. You have a total of 20 minutes for your presentation and what's left over will be divided among the three caucuses for questions. As you begin, please state your name for the sake of Hansard.

Ms Danielle Vincent: Good afternoon, Mr Chairperson and members of the standing committee. My name is Danielle Vincent. I am the community development worker with Disabled Persons Community Resources. I am also here to relay the regrets of the chairperson of community resource development committee, Esther Roberts. She is sidetracked at home. She lives outside Ottawa and, because of the wonderful weather we're having, could not be here today. I'm speaking on her behalf and also on behalf of Disabled Persons Community Resources.

Disabled Persons Community Resources is a community-based organization which promotes the integration and independence of persons with physical disabilities. We also provide community services and support to these individuals, their families and service providers in our community.

We are an integral part of an extensive community network which advocates for the promotion of social change and the prevention of social problems. As you can well imagine, we are taking an avid interest in the government's proposed Ontarians with Disabilities Act and how it will impact lives of Ontario's 1.5 million citizens who live with a disability.

We would like, first of all, to express our disappointment in learning that this important social issue would be reviewed by a committee dealing with financial affairs rather than social policy. We recognize that the proposed legislation will have financial repercussions, but we consider that the ODA needs to be an integral part of the social fabric of this province, not just its financial makeup.

We are also concerned about the short time frame the government is taking to push through this bill. Legislative debate to propose amendments to this bill in only one day will only dilute already toothless legislation. Solid amendments to a bill which the government claims to be the "vision for independence and opportunity for persons with disabilities" need to take time and not be resolved before the Christmas break. Ontarians with disabilities have been waiting far too long for this important legislation to see it passed quickly because it is a nice thing to do. Citizens with disabilities in Ontario have been waiting for over six years to have their rightful place at the table. We agree with our many community counterparts that sufficient time and opportunity must be

allowed within the legislative process to prepare, present and fully consider the necessary amendments to Bill 125. The proposed legislative timetable should not become a barrier in itself.

We would hope that the process of implementing an effective and meaningful ODA would involve more than providing dollars to much-needed services and programs. Ontarians with disabilities need to know and be assured that they are considered equal and fully contributing citizens in all aspects of life of this province, private as well as public. This proposed Bill 125 leaves many unanswered questions which we would like to address today.

Although Disabled Persons Community Resources supports the initial principles presented in Bill 125, as an organization working with persons with physical disabilities, we are very concerned and disappointed about its lack of substance, enforceability and accountability, especially on the part of the private sector in the province. I'm sure you've heard about that a lot today. As a Liberal Party critic said, "The act has a wonderful title but in fact removes very few barriers."

From our viewpoint, removing barriers means more than drafting an accessibility plan that will gather dust for years to come. In order to be effective, this ODA needs to have specific and mandatory requirements to remove barriers in employment, transportation, accessible housing, accessibility to private, as well as public, buildings and access to systems of communication.

The proposed bill lacks the opportunity for real enforcement on the removal of these barriers and prevention requirements other than for parking violations under the Highway Traffic Act. Although the bill mentions the development of several standards, guidelines and protocols, it does not define what they are exactly and if they are mandatory or not. For example, on the issue of government acquiring new property and goods, the only obligation the bill imposes on provincial or municipal governments is to "have regard" to the issue of accessibility. "Having regard" and "implementing" have different meanings and repercussions for the disability community in this province.

Bill 125 does permit regulations to be passed for removal of barriers, but there is no requirement to make any such regulations or no time limit set. We also feel it gives considerable authority to the government to unilaterally exempt government ministries, the broader public sector, agencies and the private sector from obligations under this bill. Bill 125 also imposes no accountability for the government when it is exercised. The government is not even required to give any reasons or rationale for its decision on this issue.

This brings us to the issue of the proposed provincial advisory council. While its membership is made up of members with disabilities, appointed by the cabinet, it is not required to consult with, nor receive any feedback from, the community representing persons with disabilities. Its role is to consult solely with the Minister of Citizenship, not the general population. Meanwhile, the

provincial accessibility advisory committee, made up mostly of persons with disabilities, is again not required to consult with persons with disabilities in carrying out its mandate. The municipal accessibility advisory committees will have that task, therefore proving once again the lack of leadership at the provincial level when it comes to disability issues.

Another very strong concern we have is that the private sector has not been included in any of the accessibility planning and provision of services and goods. This bill is lacking in true leadership and direction in how the private sector could be involved. It is unfortunate that the private sector, provided with specific rules and guidelines to follow, could have removed so many barriers to employment and services, is now relegated to the voluntary approach. We know from experience that does not work.

In closing, we would like to take the opportunity to thank the committee for your time. We would also like to request that you take a very strong message back to the government: please take more time to look at this very important legislation. Also, please ensure that a strong mechanism is established for ongoing community consultation, as you are doing today, on the future Ontarians with Disabilities Act. Take out the words "guidelines" and "recommendations" to the private sector and replace them with "requires" and "time frames" for the meeting of new standards that will allow all citizens of Ontario to take part in all aspects of life in this beautiful province. Thank you.

The Vice-Chair: We have roughly three and a half minutes per caucus, beginning with the official opposition.

Mr Parsons: Some groups have expressed a fear to me that if the bill is passed as it stands now, the nine million Ontarians who don't have disabilities will say, "Great, the problem is solved. It's looked after. We don't need to worry about it any more." I'm going to ask you the same question I asked an earlier group. Which is preferable: this bill with no amendments or no bill?

Ms Vincent: I would prefer a bill with more determined regulations. The bill as it is right now is very good in principle, but in action is a whole different story. It's a process that has started. They have put a foot in the door for Ontarians with disabilities, but it needs to be fleshed out greater than it is there.

Mr Patten: I have one question to ask, and that is on the cut-off of municipalities at 10,000 or more. What's your reaction to that?

Ms Vincent: I find that unfair, because the size of a municipality does not predetermine if that municipality has citizens with disabilities. You could have a smaller area. Many towns in this particular area don't have 10,000 people but have people with disabilities who would have liked to have had a say in how their municipality is providing services and programs. I have a problem with the 10,000. I think it should be all municipalities who express an interest.

1500

Mrs Claudette Boyer (Ottawa-Vanier): You've mentioned the lack of substance in the bill. Mr Parsons asked you if you want the bill as it is. Does that mean you would wish at this point to have more community consultation—is that what you're aiming at—having something to do with Bill 125 to be amended? Is that what you're saying?

Ms Vincent: As you have probably seen today, there's a lot of willingness for the community to be part of this process, not just at the outset as today—and I really appreciate that we have this opportunity today—but on an ongoing basis. I think there are a lot of things that we can do to help, as partners with the province of Ontario, to make this bill as valuable as it can be for all those individuals who have disabilities.

Mr Martin: You've made a very important presentation here today, one that I hope the government members—particularly Mr Spina, who has sat very attentively listening to you and will have some influence with his government—will take note of and make sure that those things you saw as important are at least considered and discussed, and hopefully we will see them by way of amendment next week when we go back to the Legislature and do clause-by-clause.

You mentioned a number of things—some referred to by my colleagues in the Liberal caucus—that we need to take time. I hear you saying that we shouldn't just simply out of hand discard this bill, because it's a start; it's at least the topic on the table. We're talking about it here in Ottawa today. It's been six years and then some in coming. We don't want, if there's any possibility at all, to miss this opportunity and what I hear you saying very clearly is that we should really be willing to take the time necessary.

We'll hear the argument, "It's been six years. We can't wait any longer. We've got to get it done. We've got to get in before Christmas and because of that, in order to get it through cabinet and all of those kinds of processes, we can't change it too much, because we've already gotten approval for this. If we change it too much, we may be into another whole round of debate and discussion in those very important circles." But what you're saying, and perhaps you can tell us again, is that in fact you, representing at least your organization and the community, feel it is worth waiting the extra three or four months to get it right.

Ms Vincent: I definitely think it's worth the wait. We've waited six years, but we want to have an effective ODA. From our viewpoint, if it is presented the way it is today, it's not going to have any guts to it. It's not going to have any value. It will not have impact on Ontarians with disabilities in this province.

Mr Martin: And that will require some significant and serious discussion and negotiation by the government with its partners, municipalities, the private sector etc, if they're going to do what you've called for, which is to take out the voluntary and bring in some mandatory enforcement.

Ms Vincent: I'll give you an example of one issue that is predominant in the bill, and I think it's wonderful in a sense. There's the intent there of providing accessibility plans for several buildings. As an organization that represents persons with physical disabilities, a big part of our mandate is to make sure that barrier-free access is provided to private buildings. The way it is presented now, they will draft an accessibility plan for a particular school, for example, and say, "OK, we need to get this done and this done." But there's no timetable set. There's no accountability. Who's going to be responsible for what? How much is it going to cost? How much time is it going to take? It's great to have accessibility plans, but when you do not have anything to follow up on and also get some public input on those accessibility plans—you might have someone who goes to a school who has a disability and that family member might be interested in providing some input in that sense. If the accessibility plan is presented the way it is in this Bill 125, it's just going to be a report. It's not going to have any impact. There's a lot of willingness from the community organizations to be involved; there's some expertise that could be provided. I think it's a matter of developing partnerships with the organizations that can help in some way, not just saying, "The government of Ontario has the sole responsibility for this." I think there's a willingness to participate in how this is done, and for the benefit of everybody, not just the government or the organizations. So I definitely think four months is not going to make a big difference in sprucing up, if you'll excuse my expression, this present bill and making it a little bit more worthwhile.

The Vice-Chair: We'll move on to Mr Spina.

Mr Spina: Thank you, Ms Vincent, for coming today. As Mr Martin pointed out, I was listening intently. There are a couple of things I wanted to clarify, and if you have a comment, I would appreciate it. We have a couple of minutes.

One is that this kind of act—and there are people here from the ministry and the directorate at this point who have been hoping, have been asked to prepare, have worked on various elements of a disabilities act for governments of all three stripes for probably 10 years or longer, I would think. When they are asked to prepare information or prepare draft legislation, frankly, they now have heard it so often that they have treated it with some degree of cynicism. But for the first time, they've actually seen a bill not only introduced but taken to public hearings.

It was intentional that we carry it this far, and I was happy that Mr Parsons asked the question, "Would you rather have this bill with some modifications or no bill at all?" I was frankly happy to hear your answer. It at least begins the process.

I understand your concern, as it came from others, that elements of the disabled—who the disabled are in fact defined as, the timetables for implementation, accountability, enforcement, all of these issues—are empowered by the act. We felt, as a government, that the act ought to

be implemented and passed with appropriate amendments. This is why we wanted the public hearings, because no act is perfect, regardless of who puts it on the table. That's why it was important to get input from people like yourself and these other ladies and gentlemen who have come to us with very realistic elements of disability accessibility.

I was happy to hear you say that the principles of the act should be fleshed out, and I would suggest to you that that is the purpose of the regulations, to specifically flesh out those details. That's why we wanted to get them in. For what is not able to be fleshed out in the regulations, we want to ensure that amendments to the bill itself would empower those regulations to be fleshed out and in fact then allowed to be implemented. So even though the bill may, and hopefully will, be passed before Christmas in its amended form, there will be some time for further consultation to be able to flesh out the details that you and others have so eloquently brought before us.

I put that before you and I thank you for your perspective on it. You probably have a couple of minutes if you want to respond.

The Vice-Chair: In fact, Joe, you did run well over your time, but we're going to give her some time anyway.

Ms Vincent: I'm encouraged that you will be doing more consultation on this. As I say, not to defeat all the work that has been put through this bill, because I know there was a lot of consultation prior to drafting this Bill 125 for several years and I think it is a good start, but it needs to be firmed up a little bit more, and I'm really encouraged that further consultation will take place on this. That's very good.

The Vice-Chair: On behalf of the committee, thank you for your interest in coming forward with an excellent presentation.

Ms Vincent: Thank you for the opportunity.

The Vice-Chair: Our next presenter is scheduled for 3:30. We understand she is unable to make it here until 3:30, but just in case she is here early—is Ms Penny Leclair present? OK, seeing that she isn't present, I guess the committee will recess until 3:30 or possibly until she arrives, if committee members don't go too far away.

Mr Patten: Mr Chair, was there another person who asked to present?

The Vice-Chair: There was one. Maybe I should ask. Is David Green here? There was one that wasn't confirmed. I guess since neither is here, unless there are objections from the committee members, we'll stand recessed until 3:30 or until Ms Leclair should appear.

The committee recessed from 1511 to 1531.

PENNY LECLAIR

The Chair: If I can get your attention, I'd like to bring the committee back to order. Our last presenter is present. Ms Leclair is sitting at the table, so on behalf of the committee, welcome.

Ms Penny Leclair: Can everyone hear me all right?

The Chair: Yes.

Ms Leclair: That's fine. Please indicate, because I don't hear my own voice. I sometimes forget and I start to sort of whisper rather than talk. So if I'm becoming a little hard for you to hear, just yell.

Today I'm with Jillian, who is a professional intervener. My disability is that I'm deaf-blind, so an intervener is essential. I couldn't be here today, because I wouldn't be able to communicate with anybody, without someone to help translate. I was really lucky to find anyone at all, because there are only five people in this whole Ottawa area who can do my special way of communicating, and those people serve about 100 people in this area.

For me to be here today, I was given four days' notice, and four days isn't enough. I'm really lucky that this person, Jillian, who is with me today, almost ran here to do it, because she knows the importance that I feel. Without her help I wouldn't be able to do what I'm doing, so I publicly thank Jillian.

I would also like the government to be aware that in their rush to fulfill a mandate of rushing legislation through, they've created a barrier for disabled people. The barrier they create is not allowing enough time. I am not fully informed. I received a Braille copy of this legislation two weeks ago, and in that time I've had to read that legislation and try to understand it. If I have a question, I require intervention to make a request. I didn't even know who to go to to understand the words. So the government has really caused a barrier even in the way they have introduced this and rushed it through.

That's my key point today; it really is. It's disrespectful. It doesn't take disabled people into consideration. We all have levels of what we're capable of doing. I am capable of understanding if I have the time to really look. Yes, I've read the bill itself, but I didn't get to read what other people's comments were. I can't listen to the radio, I can't listen to TV, so what is my perception? I live in an isolated world compared to most people. I do the best I can, but I certainly didn't expect this government to put this on the table so quickly and not allow people to respond, to understand and to digest.

What is this bill? I question that it is even a bill. Why do I question that? Because I don't see anything in this bill that says how these things will be—how will barriers be removed? There's nothing in this bill that says how it will be done. There's nothing in this bill that says what consequences would happen if someone just refused to remove a barrier they could remove. So I don't know how much of a law it is.

It looks neat; it looks nice. It's nice and pretty; it's all laid out. The words are there but putting the words into action, the actual plan—there's nothing. It's a skeleton that's kind of a step without a plan. The disabled people in this province deserve better than that—a lot better.

We can improve this plan, we can work together, but not on a rushed agenda. Certainly this government can give disabled people a little more of their agenda to create the type of legislation that will be meaningful.

This province is taking a step forward in recognizing that disabled people need some kind of legislation. They've recognized it but they don't really want to take that step. They are wishy-washy: "We wish everything were like this but we're not going to say how it's going to happen." That's not good enough; nowhere near good enough.

You have a lot of disabled people in this province with a lot of technical know-how or expertise who can give input, but you really haven't capitalized on asking for that input. You created a bill without really asking for people. You've gotten a lot of response in a short period of time, but that could have been something built into the whole thing originally, and it wasn't.

I request personally that this committee ask the government to slow down. Take the time to do this right. Let's show Canada what Ontario is capable of doing. Let's do it right. Let's make a bill that we can really be proud of, not just a bunch of words. Let's make it something that is going to make a difference. Right now this bill would make no difference. We want to make the difference with this bill. We want to really create leadership and say that you care to do something that says something will happen.

I have provided Susan with an e-mail of my presentation. I didn't go through it word for word because you can read it yourselves. I just took parts of it to present to you today.

I would like to thank you for inviting me to speak and I certainly would like to thank you for the opportunity and for your time to listen to my words.

The Chair: Thank you very much. We have approximately three and a half minutes per caucus. I will start with Mr Tony Martin, who is the representative for the third party. He's to your right.

Mr Martin: Thank you for taking the time to come today and to share with us in the very concise and clear way that you have.

The first point that you make, and I think probably the main point that you make, is indeed very important. What I hear you saying—and perhaps you can correct me if I'm wrong—is that we have on the table here the beginning of a process that could have some integrity to it if the government were willing to take the time to listen to those who have the most expertise and practical experience in this area and to in fact do it right, make the amendments that are called for and required.

The bill as it stands is really useless, it doesn't do anything, but it has the potential to be amended. We have to be willing, after waiting so long—and I won't argue with the government members who will say that all of us are guilty here; when we were government we didn't do it, nor governments before that. It's been six years now that we've been waiting for this government to deliver. It's on the table. We're having the discussion. There's potential there. Let's get it done, but let's take the time to make sure that we do it right. Is that what I heard you saying here today?

1540

Ms Leclair: Yes. I think it's important, now that the government has expressed a willingness to do something in an act, to now create it in a meaningful way. I don't think they've created it and I don't think we've taken the amount of time it would take to make a bill like this.

They started. If we had started three years ago with this process we could be further along, but we didn't. If you're really going to start the process, let's see the process. Let's find the plan that's going to make it happen. A document full of words isn't going to do it, because we haven't worked together enough. We need more time. There's no point in rushing a bill that will do nothing through the House.

There's nothing in here that says how things are going to be achieved. In what way would this bill make a difference? You would have to ask yourself that. I, in my limited knowledge and experience, do not see how. I see lots of words but I see no way of exactly how it's going to be done. There are no consequences. If this is a law and somebody breaks it, what then? There are no consequences. The government is saying, "Gee, we would like to see this happen," but they don't want to put the muscle behind those words. I have no legal background but I just say what I feel, and I think that most people are feeling the same way. They have created a bunch of words but they haven't created the muscle. There's nothing in it that says it will happen. I'm not looking for a guarantee but I certainly would like to see a plan within a law as to exactly what would happen and when.

Yes, you're right: more time, working with the people. We haven't been asked for our suggestions. We get to give them in a hearing, where you're going to meet four times, or something ridiculous, and try to see people within a ridiculous amount of time to acquire suggestions and understanding. Really, your role should be about a month long and you should be meeting with several people. But that's not what's happening. Everybody's rushing this thing through. That's not right. That's not the democratic way of doing things.

The Chair: We'll go to the government side. They're on your left-hand side. Mr Spina.

Mr Spina: Thank you, Ms Leclair, for joining us today. It is greatly appreciated. Your input is important as part of our considerations.

I want to assure you that there is much time available. This bill has been started just by this government three times before, so the original consultations have taken place. Why it seems that it is being rushed at this point is that we want to ensure that the legislation for a disabilities act is implemented and passed and not lost once again, not just by our government, but it also has been lost by other governments as part of the process of government.

The time that you and many others have been seeking is available as part of the process of creating the regulations for the bill. There are many elements of this bill and clauses which will empower those regulations to define some of the elements that have been asked for,

defining which disabled qualify, define the time frames for implementation. They can define the responsibility of the provincial government, or of the municipalities, or of people surrounding the disabled. There are important elements of this bill which do create and authorize or empower the various bodies to be able to implement what we think can and will be a good bill. If we are successful in passing the bill by Christmas, we then have the luxury of the time that many people want, of a few months to be able to do further consultation in the development of the regulations.

So we thank you, Ms Leclair. If you have any comments, they would be welcome.

Ms Leclair: My only comment is in communicating with the government. This communication took three years to get here. It took three years for the government to come up with something called Bill 125. So if it took them three years, why do we have to respond within three weeks? If it took that long to make a wonderful document that's going to be that meaningful, then why don't we deserve the kind of time to absorb it and to really understand it and to ask questions of people? Is there a 1-800 number where I could ask questions about how this would be achieved, or someone to explain, whoever wrote it? No, there's none of that.

I get pretty things in the mail about how wonderful the bill is. That must have cost a lot of money. I would much rather be able to have the time to sit down and figure out for myself what I think of this bill, to come up with solutions, but in particular to understand it. I am not saying I understand it, because I have not been able to read a lot of information other people have had. What I have read, which is the bill, doesn't indicate to me that it is going to happen in a significant way.

I question, why did they not make any of it enforceable against the private sector? The government does not have more money than the private sector has. That sends a message in itself. Why did they just make it for the government? Why don't you say that these things are removable for all people? The government doesn't have more money. They can't afford it more than the private sector. It's not going to put people out of business. We're reasonable disabled people. We don't expect people to go out of business to serve us, for God's sake. So it's the kind of implied—well, it doesn't make a lot of sense. It's a mixed message to me. It causes me a lot of confusion as to what the heck is going on. Do you really mean anything by this bill? If you can do that, what does it mean?

Again, it's the ability to communicate on the type of time frame that allows people to feel comfortable with what's going through on the process.

The Chair: We'll go to the official opposition for the last question, and they will be on your right. Mr Parsons.

Mr Parsons: We had not had any indication, until a few minutes ago, that the government was going to consult on the regulations. We'd had an indication previously they wouldn't, so this is good. However, we need to caution that regulations do not fundamentally change. The regulations cannot make it apply to the private

sector. Regulations cannot make it apply to municipalities under 10,000 if the bill says it does not. Regulations that in a sense provide for the process do not change the substance of the bill.

Given your concerns, very legitimate, serious concerns, about it being rushed through—and I agree with you; I'd like to get rid of the generalities and put a face and a name to it—my question to you is, if this bill is rushed through without amendments, does it improve your life in any way? Will it remove any barriers for you?

Ms Leclair: Well, I'm not a lawyer. I would have to be a lawyer to find the key to this thing. Right now I don't see any keys. I see nothing substantial. I see words telling me how much the government cares and they want to do this and they want to remove barriers, but I don't see how. So because I don't see that, I don't think it'll make any difference.

There's no enforceability. What would happen if someone decided they don't want to give me access? It says the government "will," but it doesn't say what would happen if someone does. Would it tell me they'd lose their job? For most things, like the Blind Persons' Rights Act, if I'm denied access, the person can end up paying a fine or something. There is something I can say: "Look, you cannot deny me access because there's a law." With this, there's nothing. There's nothing enforceable in it.

I really don't have the expertise to talk a lot about "how to," but I know there's a lot of that expertise out there and I know that people have been scrambling trying to understand this and give you a response within such a short period of time. We have not, as a group, had the benefit of listening to one another. Because we're a democratic society, we sit and listen to one another. We influence one another. We then come up with brainstorming ideas. We haven't had the opportunity to do that here because there hasn't been enough time. People are scrambling, trying to grasp what it is, to figure out what would make it better and we really haven't talked to one another enough to make it the best it could be.

If we had been given this two years ago or a year ago and we'd talked about it, it would be different. But all of a sudden the communication comes, and then this is going to be rushed through the House. Why? Why do you have to rush it? Why am I such a short thing on the government's agenda that they can't slow down and really listen to what people want and have to say? We wouldn't have to hold this hearing right now and rush this thing through if the government had said, "Look, here's what we're going to do. Please give us your feedback." Give us a place to give that feedback. A six-month period, so what? Let the six months go by, let people have a say, bring those things together, get some people working together on committees. There are other ways of doing this rather than to rush it through for whatever political agenda. It's not an agenda of concern. There's a political thing behind this, or whatever. All of a sudden people want to move right away. We're going to

give you a communication and now we're going to just rush it through. It makes no sense.

The Chair: On behalf of the committee, Ms Leclair, I would like to thank both of you for presenting in a most impressive way.

Ms Leclair: You're welcome.

The Chair: This committee will adjourn to Windsor on December 4 at 9 am. We are now adjourned.

The committee adjourned at 1554.

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