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Official Report of Debates (Hansard)

Wednesday 5 December 2001

**Standing committee on
finance and economic affairs**

Ontarians with Disabilities
Act, 2001

Journal des débats (Hansard)

Mercredi 5 décembre 2001

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

Loi de 2001 sur les personnes
handicapées de l'Ontario

Chair: Marcel Beaubien
Clerk: Susan Sourial

Président : Marcel Beaubien
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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**

Wednesday 5 December 2001

Mercredi 5 décembre 2001

The committee met at 0902 in room 151.

**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.

**LEARNING DISABILITIES
ASSOCIATION OF ONTARIO**

The Chair (Mr Marcel Beaubien): Good morning, everyone. We're here to consider Bill 125. Our first presentation this morning is from the Learning Disabilities Association of Ontario. I would ask the presenter 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.

Ms Carol Yaworski: My name is Carol Yaworski. I'm the executive director of the Learning Disabilities Association of Ontario. I'd like to thank the committee for the opportunity to present and also for scheduling me first thing in the morning so that I have a better chance of your remembering what I'm saying to you, because I imagine that by the end of the day it's all a blur.

To briefly speak about our association, we're a provincial association with approximately 5,000 members across the province. That membership is comprised of families and individuals and institutional organizations such as colleges, universities, school boards and band councils.

Our primary role is to provide advocacy on behalf of individuals with learning disabilities, and we do that on an individual basis across the province. We have chapters in approximately 30 communities in Ontario, and I know that the Chairman is familiar with our Lambton chapter. We also, at a provincial level, make it our business to comment on pretty much every piece of legislation and legislative change that takes place in the province. So as

I'm sure you can imagine, we've been a very busy group in the educational field in the last several years.

In addressing the proposed Ontarians with Disabilities Act, I'm going to start by giving you some history about our position on this legislation in its previous two incarnations. We have advised this minister and previous ministers that it is our view that unless a piece of legislation that had compliance requirements and incentives was tabled, we would advise against actually tabling the legislation, feeling perhaps that this is one promise that should not be kept, but rather that the Ontario Human Rights Code, which is a piece of legislation we have a great deal of faith in, be strengthened and that the Ontario Human Rights Commission be provided with additional resources to make the commission effective and timely in responding to complaints.

I will say that we have seen a substantial improvement in the work of the commission in terms of timeliness in the last several years and I think that is noteworthy.

However, given that the legislation has been tabled again and is going ahead, what I'm going to speak to are specific concerns about the form of the legislation that's currently before us.

In a previous submission—this is all in the document I've provided to you—we identified some specific expectations or suggestions we had as to what would make such a piece of legislation effective. It's very important that something like this, which substantially raises the expectations of people with disabilities, have teeth to it. Our concern is that if it not be substantial in nature, it creates a sense of complacency and overconfidence, especially for individuals with harder-to-identify disabilities, such as learning disabilities or mental health problems or brain injuries. For individuals like those we represent, complacency is a very dangerous thing.

Our concern, first of all, was that the definition of "disabilities" in any legislation be the one that is identified in the Ontario Human Rights Code. That is certainly the case. We are pleased this proposed legislation does use the code's definition.

Secondly, it's important that the goal of the legislation be to prevent and eliminate discrimination for persons with all disabilities. Again, I'll emphasize the problem associated with invisible disabilities.

It must complement and supplement the Ontario Human Rights Code, but also reinforce the message that the Ontario Human Rights Code is the primary piece of

legislation. We feel this legislation in some places is not clear enough in saying that the Ontario Human Rights Code overrides anything that is in this act. Specifically, it's the statement, "Nothing in this act limits the operation of the Ontario Human Rights Code." I think that could be a stronger statement. In our meeting with the minister last week, we made a recommendation to staff that that be strengthened.

Other aspects of legislation that we have felt would be important would be that it spell out in detail both government's and society's expectations in terms of access to goods and services and facilities for people with disabilities, and accommodation of those disabilities.

For example, one of the recommendations we've made: we have a significant problem in Ontario with access to books on tape. It's particularly a problem for students in secondary schools with timely access to textbooks on tape. We're recommending the legislation be amended to ensure that any private business doing business with government—in that case we would also include transfer payment agencies such as school boards—be required to have books on tape that are texts immediately available, simultaneously available, when print is available. With computer technology, there's certainly no reason why that couldn't be done. I think it's an implied expectation, but it's one that we would like you to articulate in the legislation.

There are two major concerns that we have about this legislation. One is the absence of expectations around compliance. I think it is predicated on an assumption that businesses and organizations will do the right thing, and certainly in the public sector the expectations around doing the right thing are higher, but I think there is an optimistic view that those organizations and businesses that are not currently creating accessibility will do so.

This legislation requires some of them to create an accessibility plan. What it doesn't require them to do is actually operationalize on a set plan. Maybe I'm a cynical person, but I'm thinking that some of them are not going to do that. We have great concern that in the public sector, for example, school boards, colleges and universities will create very elaborate, substantial and inspirational plans that never see their way off paper.

In the absence of both compliance expectations and some consequences for non-compliance, I think we could all end up with a province-wide library of very elaborate accessibility plans that aren't actually operationalized. To me, that would be a tremendous waste, because I think in some instances those institutions will convince themselves that they've done what they needed to do and that that's sufficient.

0910

Our second concern, which is related to that, is a tremendous concern we have that in school boards, for example, direct service dollars not be used to develop accessibility plans. We're greatly concerned that special education dollars, which are to provide direct services to students, will actually be diverted to the expenditure of

developing the accessibility plan. We know some boards will do that. Some of them will not—it's fair to say that—but we are absolutely certain that some boards will.

Hopefully regulations will address this, but there is nothing in this legislation that would prevent a school board from taking service dollars, special education dollars, and using those dollars to develop an accessibility plan. We believe that situation also exists with colleges and universities. I would certainly urge the committee to look at the concern that represents, because we can see a lot of tax dollars intended to assist students directly ending up creating accessibility plans that may or may not actually be operationalized.

Those are my major points. I would urge you to read what we've provided. There is a lot of detail there, but certainly those are the two great concerns: (1) that these plans never actually come to life, and (2) that they will be developed with direct service dollars.

The Chair: We have approximately three minutes per caucus and I'll start with Mr Martin.

Mr Tony Martin (Sault Ste Marie): I'd like to explore a little further with you the first point you make, which is that your organization would not have moved with this legislation. Instead, you would have beefed up the Human Rights Code and perhaps given them more resources. I understand that if you give them more resources, the backlog of cases before them would be cut down according to the amount of resources they had. We have been looking for a more comprehensive Ontarians with Disabilities Act. Given the principles that were laid out and that are listed in your presentation here, if there was an act that covered all those areas, would your position still be the same?

Ms Yaworski: No. If all these expectations were met, particularly the ones around compliance, I think we would be in a very different position in terms of our viewpoint. The concern we've had with this legislation from the outset is that we understand it's the philosophical viewpoint of this government that forcing the private sector into compliance is not something they're prepared to do. We recognize that's the position. We've also seen, in our experience with the Education Act, for example, that where you leave openings that create an expectation that people do the right thing, they don't necessarily do that.

Our concern is that in the absence of compliance expectations, those companies and institutions that are currently creating accessibility will continue to do so and probably will do a better job of doing so, but those who aren't and haven't, won't. So we feel we're going to be right back where we started, although in the compliance, those organizations that do well with it will probably do better. But certainly, if all of these expectations were met, we could support the legislation.

Mr Martin: You also mentioned the issue of something stronger than the statement, "Nothing in this act limits the operation of the Human Rights Code." When we were in Windsor, the Windsor-Essex Bilingual Legal Clinic suggested that, left as it is, this act could reduce

the amount of protection and coverage disabled people have. You're obviously saying the same thing.

Ms Yaworski: That's a concern we have as well, and ARCH, which has prepared a document on this, an analysis of the legislation, has taken a similar position. So yes, certainly that's a concern for us.

Mr Martin: Is ARCH coming before us, do you know?

Ms Yaworski: I don't know that.

Mr Martin: Do you have a copy of that document?

Ms Yaworski: I do.

Mr Martin: Can we get a copy of the document they have prepared?

Ms Yaworski: I have it here.

Mr Martin: Could you give it to the clerk? Perhaps, if we don't have it already, it might be a helpful document for each of us to have.

Ms Yaworski: I think it would be.

The Chair: I have to go to the government side.

Mr Ernie Hardeman (Oxford): Thank you for the presentation. I want to quickly touch on the Human Rights Code. The intent of the legislation is definitely that the supremacy of the Human Rights Code is recognized in this legislation. Your suggestions will be looked at, and if that's not what it does, then it would need to be amended to make sure it does, because that is definitely the intent.

Along with that, I have some concerns. We've heard very little from presenters or very few presenters have put forward the position that nothing is better than this legislation. I think that's because most of the presenters feel that the barriers to disabilities are generally not covered by the Human Rights Code. So strengthening that would not do anything for the majority of people who want an Ontario Disabilities Act in order to restrict the creation of new barriers and to remove the existing barriers. Is it a reasonable assumption that your association has different requirements or different problems than the average presenter who has presented to us?

Ms Yaworski: I think that's true. In a forum I participated in last week with the minister, for example, a substantial amount of the time was spent discussing municipal compliance regarding accessibility existing in new buildings. Certainly, while we think that's a very important issue for people with physical disabilities, that's not a discussion that is particularly relevant to our population.

The issues for our population with regard to accessibility relate to things like adaptive technology and access to that, accommodations within the workplace that don't create undue hardship for employers but that are often abstract and very difficult for the employee to explain and to get across.

In terms of your previous reference to the Human Rights Code and the fact that this creates accessibility and addresses the issue of barriers, I think our recommendation that the code be strengthened to address the accessibility issue would get at that absence that currently exists in the Ontario Human Rights Code, and you're

certainly right about that. The difference would be that the commission that administers the code actually has some enforcement capacity that this legislation doesn't have. This relies tremendously on good faith.

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

Mr Ernie Parsons (Prince Edward-Hastings): Thank you for the presentation. You're speaking on behalf of a group of people who have some unique challenges. I taught at a community college for many years. It's my experience that a student coming into college with a mobility issue was obvious, of course. For students who had learning disabilities, not only was it not obvious but they didn't want to be identified in some cases.

Ms Yaworski: That's right.

Mr Parsons: They would deny. So homework would not be done or tests would be done very poorly, which I would initially attribute to their not having done their homework. They are a group you have to pursue to find out what the real issue is. It requires them usually to sign a consent to speak to their high school to get that background. So you're trying to serve a group that at times doesn't want to be served but desperately needs it. Without your amendments, does the bill, as tabled, do anything?

Ms Yaworski: Not much. As I said, we're very concerned about protecting special education dollars and direct service dollars in post-secondary with regard to the development of accessibility plans. That's a tremendous concern for us, because we believe that tens of millions of dollars will get spent on that in the absence of some sort of financial assistance to those institutions to develop the plans.

0920

Mr Parsons: Money is going to come from somewhere to develop the plans, but the plans may not be implemented, they may simply be developed.

Ms Yaworski: Yes.

Mr Parsons: I'm trying to find the wording. That's got to be terrible, to build up expectations. I'm thinking with parents or with the individuals themselves, the expectation is, here is a plan; when does it start?

Ms Yaworski: Especially if, as the government hopes, parents and other stakeholders will be involved in the development of those plans, you're right. If they're developed but they never actually take life, then I think the words you're looking for are that the road to hell is paved with good intentions. I think that people will hide behind that plan and say, "We've done what we needed to do." And in fact, they have because there is no expectation. There's an expectation but there are no consequences.

Mr Parsons: There's no requirement.

Ms Yaworski: Or no incentive.

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

ADVOCACY CENTRE FOR THE ELDERLY

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

Mr George Monticone: Good morning, Mr Chair. My name is George Monticone. I am a lawyer with the Advocacy Centre for the Elderly. I thank you and your committee for the opportunity to speak to you this morning.

The Advocacy Centre for the Elderly was founded in 1984. We're a legal clinic that serves low-income seniors in the greater Toronto area. We have throughout the years worked with many seniors who have disabilities. We've seen at first hand the accessibility problems encountered by these seniors.

While it's possible to use existing legal mechanisms such as the Human Rights Code to remove barriers, this process is a long and painful one. Some persons faced with these difficulties don't have the strength and energy to see a legal action through to a successful conclusion. Some, because of serious illness, don't have the time to challenge the existence of barriers. Others may not have access to affordable legal assistance. And even if successful, the removal of one barrier may not be helpful if in the meantime several others have been put in their place.

For these reasons, legislation is needed which grapples systemically with accessibility problems. Whatever its shortcomings, the Ontarians with Disabilities Act, 2001, acknowledges this fact by its very existence. We congratulate the government for finally putting the issue on the public agenda by introducing Bill 125. We hope that the debate and discussions prior to third reading of the bill will strengthen that bill.

One year ago yesterday, a group of women representing the largest seniors' organizations in Ontario held a press conference in this very building calling for a strong and effective Ontarians with Disabilities Act. This fact is noted in Hansard for December 4, 2000. The organizations represented at that press conference include the Canadian Association of Retired Persons, Canadian Pensioners Concerned, Care Watch Toronto, Older Women's Network, Ontario Coalition of Senior Citizens' Organizations and the United Senior Citizens of Ontario.

The Advocacy Centre for the Elderly does not speak for these seniors and their organizations. They certainly are very capable of doing that for themselves. However, we wish to remind the committee and the Legislature that these organizations, representing thousands of seniors across Ontario, have been heard from and some very clear messages came through at their press conference. I've included for your perusal the press release and fact sheet from that press conference. Three points were made there.

(1) Legislation must be introduced that ensures no new barriers are put in place in the future in Ontario.

(2) Legislation must be introduced to ensure that the principles of universal design are followed in products, communications and the built environment.

(3) Legislation must be introduced to ensure the removal of existing barriers.

I want to take those three points as a way of looking at Bill 125 and ask the question, does it satisfy those three demands of the seniors' organizations?

Let's take the first point: Does Bill 125 ensure no new barriers will be put in place in Ontario?

We have to say no to this. Only the government of Ontario is placed under an obligation to ensure no new barriers, by section 4. Even this requirement has problems, but if we let them pass, it has to be said that other entities such as municipal governments, agencies, organizations and private businesses are not placed under a similar duty to comply. With respect to everyone else in Ontario other than the provincial government, new barriers may be put in place with impunity.

Surely the seniors who spoke at that press conference did not intend to exempt all of the private sector and municipal governments. To do so, after all, is to exempt most of what each of us encounters every day. So Bill 125 must be amended to include these sectors to ensure no new barriers in the future.

Even if we look at the requirements placed on the provincial government, there are problems in Bill 125. I cite in my paper a number of sections of the bill that say that the provincial government must do particular things in relation to the design of environments in relation to publications, Web sites and funded capital projects.

Do these requirements, taken together, amount to assurance of no new barriers? What happens if a new barrier is put in place, or one of these requirements is not met? What can a person with a disability do under such circumstances? I think you search Bill 125 for an answer in vain.

There is an old maxim quoted in many legal texts: "There is no right without a remedy." This means that any law purporting to advance the rights of someone that does not give that person a means to redress their situation is, in effect, an empty law. Bill 125 is such a law. There is no list of offences or penalties and there is no right of appeal or complaint to an independent court or tribunal, so a person with a disability who encounters a new barrier or a violation of one of the provisions of this bill has nowhere to go. The only thing they can do perhaps is what they can already do, which is to take the matter to the Human Rights Commission.

It should also be noted that in section 18 of the bill, the government is permitted to exempt anyone from the requirements of the act if it so chooses. There is no right to challenge such an exemption.

This total lack of remedies in Bill 125 isn't good enough. It doesn't enhance the rights of persons with disabilities. The bill must be amended to clearly state that specific actions, such as establishing a new barrier, are illegal, and it must provide those affected by such actions with the means to challenge the illegality. There must be

a right to bring the matter to a newly created tribunal, a court of general jurisdiction or an existing tribunal.

In conclusion then, Bill 125 doesn't ensure the provincial government will not create new barriers for those with a disability. New barriers may be justified as an exemption under section 18. Moreover, no mechanism is provided to challenge a new barrier that may be in violation of the law.

Let's look at the seniors' second point. Does Bill 125 ensure that the principles of universal design or any other standards are followed with respect to products, communications and the built environment to ensure accessibility? I've included for your reading in appendix 2 the seven principles of universal design. I'm not here to defend them today. I don't even particularly want to talk about them, but I think they are very interesting and may serve as the basis for standards in legislation.

0930

The point I want to make today is that seniors' groups represented at that press conference said they wanted to see some standards adopted in legislation. It may be universal design standards, it may be some others, but Bill 125 doesn't do any of this.

Section 4 requires the adoption by the provincial government of "barrier-free design guidelines," which guidelines are to be developed in consultation with persons with disabilities and others. It specifies that these guidelines are not regulations within the meaning of the Regulations Act. Bill 125 doesn't set any time limits on when these guidelines must be adopted, and it doesn't set any time limits as to when they must be implemented.

It's understandable the Legislature would not want to tackle the difficult job of specifying detailed standards; however, this doesn't justify a completely open-ended approach which sets no time limits and which only insists on "guidelines" which don't have the force of law. Such details as are required here are typically reserved for regulations under a statute.

Therefore, we recommend Bill 125 specify that standards of design be developed in consultation with persons with disabilities and that they be set out in the form of regulations. In addition, we recommend Bill 125 set clear time limits as to when these regulations are to be in place and time limits as to how long those bound by the regulations have to comply with them.

Furthermore, as I mentioned earlier, the standards set in regulations should apply to municipal governments and the private sector in addition to the provincial government.

Finally, I'll turn to the third point made by the seniors at that press conference I referred to: does Bill 125 ensure the removal of existing barriers? I think the answer, very simply, is no.

Bill 125 is at best a planning bill. It requires the provincial government, municipalities over 10,000 persons, public transit organizations and other scheduled organizations to develop an annual accessibility plan which includes measures to be taken to identify, remove and prevent barriers. While there is a requirement of a plan,

no time limits are set as to when, if ever, such a plan is to be implemented. There are no penalties if the plan fails to address what it should or if the plan is not implemented. Bill 125 does not give persons with disabilities any remedy by which they may address these sorts of failures. No sector, including the provincial government, is required by Bill 125 to actually remove existing barriers.

Now, this is a hard issue, removing existing barriers, and that's because it's costly sometimes. Bill 125 fails to prevent the implementation of new barriers, so it's not surprising it wouldn't deal with this much more difficult issue of removing existing barriers. A real commitment to a systemic solution to this problem requires the commitment of provincial funds to assist where the cost of barrier removal or renovation is high or prohibitive. Bill 125 provides no funding for this purpose; therefore, once again the only recourse for persons with disabilities faced with existing barriers is to initiate an individual challenge under the Human Rights Code.

In conclusion, while the existence of this bill does advance the public debate a step further about removal of and prevention of barriers to people with disabilities, it doesn't give us much in the way of substance to address existing problems and prevent future problems.

Just to very quickly summarize. The scope of this act should include private businesses and organizations, municipalities as well as the provincial government. There should be no possibility of a permanent exemption from the requirements of the act as is currently found in section 18. Standards of design and related requirements to prevent barriers must be incorporated into regulations to be passed, in consultation with persons with disabilities and others, and reasonable time limits must be set in the act as to when these regulations should be passed and as to when there must be compliance. The act must specify offences and provide remedial mechanisms to those who wish to challenge violations of the act. Finally, the act must ensure that no new barriers are put into place.

Those are my comments.

The Chair: Thank you very much. We have one minute per caucus, and I'll start with the government side.

Mr Joseph Spina (Brampton Centre): Thank you for bringing the perspective from your particular group.

You talked about compliance and I guess kind of a phase-in period. I'm just wondering if you had any recommendations as to what kind of a phase-in period it might have for compliance and whether you felt, or your group felt, that from your perspective the private sector should be the priority versus the government leading the way. We had one advocate in here, for example, saying, "You know, I need to get to my doctor. I don't care about city hall," kind of thing.

Mr Monticone: In terms of time frames, I know other organizations who will be appearing before this committee have suggestions of six months and so on. I frankly don't have a precise suggestion. I think compliance must be within a time frame. There should also

be a mechanism to permit an extension in particular circumstances. That would require access to a tribunal and the possibility of hearings, I suppose, to give to organizations who may, for some extenuating circumstances, not be able to meet a firm deadline. So I think that should be considered if firm deadlines are set.

I do believe they should be set. You have the difficult task of deciding what the proper time limit should be. Six months doesn't seem out of line.

The Chair: Thank you very much. The official opposition?

Mr Parsons: What I'm going to say is pretty deep for an engineer, so forgive me if I phrase it wrongly, but there is the sense to me that there is a "them" and an "us" in this bill. "Them" are the people with disabilities; "us" are the people that don't have them yet.

This bill, to me, rather than saying, "them is us," says, "OK, we're going to identify, we're going to label. We're not going to bring you into our world, but at least we've labelled you under this bill." But I don't see any effort for a bridge to be built to bring the two groups together. Because really, in effect, we are one group. We are one group and should be one group.

So I see the bill as putting a label on a group but not actually doing anything to remove the barriers. Is that a fair comment?

Mr Monticone: I think that's a fair comment. I didn't read you part of my paper, but I invite you to have a look at page 2 in here. I engage in a little bit of philosophy there, and really I think it's supporting what you're saying, sir. Those of us who may be fortunate enough to not have a disability may think of "them" and "us," but the reality is that we don't know what our future holds, any of us, and any one of us could suffer an injury or have some problem develop which results in a disability. Any one of us could have that, or those of us who even have a disability now could have a different one in the future. We don't know.

I invite you as legislators to think about that fact very hard and invite you to design your legislation in such a way as to ensure that if you were one of those people in the future governed by it, who had a disability, it would be of assistance to you, you would see it as being of value. So I invite you to adopt that framework when you're thinking about this bill.

The Chair: Mr Martin?

Mr Martin: Thank you for coming this morning. I reference your comment on page 4, which says that in fact this is an empty law. I'd suggest, from comments that have been made by others and just a brief look through the document we just received from ARCH, that it's actually not an empty law, and if we're not careful it could be a law that takes away from disabled people some protections they already have under the Human Rights Code. Have you done any analysis of that sort with regard to the bill?

Mr Monticone: Well, no. There is that possibility inherent in the bill, in terms of standards being set. We see in the bill that the standards can be as low as what the

building code requires, and those standards may not go any way toward addressing a serious accessibility issue. So yes, you're right, there is that possibility inherent here, and that should be addressed.

0940

MULTIPLE SCLEROSIS SOCIETY OF CANADA, ONTARIO DIVISION

The Chair: Our next presentation is from the Multiple Sclerosis Society of Canada, Ontario division. I would ask the presenters to come forward, and could you state your names for the record, please. On behalf of the committee, welcome.

Ms Kris McDonald: My name is Kris McDonald. I'm with the Multiple Sclerosis Society of Canada, Ontario division. I'm a member of the social action committee. I am also a person with multiple sclerosis. I work part-time as a disability consultant providing consulting services to the MS Society on insurance, and to individuals with disabilities in my own community.

Ms Deanne Groetzing: I'm Deanne Groetzing, vice-president of communications with the Multiple Sclerosis Society of Canada. I work very happily with Kris, who is one of our lead volunteers.

Ms McDonald: The MS Society of Canada is pleased to be able to provide input to Bill 125.

The MS Society is a national organization with regional divisions. An estimated 50,000 Canadians have MS, with approximately 18,500 in the province of Ontario. MS is a disease of young adults. It is the most common neurological disease that affects Canadians. It generally strikes between the ages of 20 and 40, so it is hitting people at the prime time of their lives, when they are creating careers and families. Its disabling effects can vary. In each of the briefs we presented to you, we also gave you a green sheet that includes the primary symptoms of multiple sclerosis. It's an excellent graphic—the graphic designer should be given some kind of award—because it lets you see exactly what the symptoms of MS are.

As previous speakers have said, we view Bill 125 basically as a beginning point, a framework. As it stands, it's only a first step. It's a framework for us to build something truly remarkable. It could be thought of as the framing for a house, and the comments and suggestions that people are bringing forward during these hearings will provide the details of what the house should look like when it is finished. We hope these public hearings will be digested by you and utilized. Our concerns with the legislation involve, as was said by a previous speaker, the possibility of a reduction of rights. We have included wording in our brief for the definition to change so that the rights of individuals under the current legislation, the current system, would not be abridged.

Now we would like to make some recommendations. First, as the previous speaker said, we would like it extended to the private sector. Going to a city council meeting is a very good idea, or coming to this exalted

body is exceedingly delightful, although I'm not sure if there are mice in Queen's Park, as the bread crumb trail I left to get out of here may not be available when I go back. I hope the janitors of Queen's Park have controlled the mouse population so I can find my way back out of this building.

What we would like to see is a widening of the purpose of the legislation, and perhaps this wording: "The purpose of this act is to achieve a barrier-free Ontario for persons with disabilities guaranteed under the Ontario Human Rights Code or under any other act or regulation in Ontario." As we say, barriers are not necessarily only physical. If you notice on the various symptom notes, vision impairments are part of the inclusions, so that the Building Code Act, 1992, which seems to be the primary framework of this legislation, is not the only means by which the rights of the disabled can be entrenched. Yes, it's an interesting use of the building code, making it regulate that barriers are not constructed, but that's not the only source of barriers for some people. For example, a blind person trying to figure out if an elevator is going up or down if there is not one bell for up and two bells for down, or hearing when an elevator arrives if you have a hearing impairment, are difficult things to do. So in the design of buildings, the government has given itself a loophole. We would close that loophole and also extend the legislation to the private sector.

The private sector is really the place where I live, the place where I exist. I need to get to the grocery store and be able to purchase groceries for my family, not just come to Queen's Park and make a presentation to the government. So for barriers in buildings, particularly for small businesses that don't have access to large amounts of money, the government needs to provide some sort of sustenance, because they can't afford or can't access my consulting to tell them the less expensive ways to make their buildings accessible. It doesn't always take thousands of dollars to make a building accessible. Sometimes it can be done with just a cement mixer and the building of a ramp in the proper place or the moving of some furniture.

The view of the world becomes entirely different from this vantage point, from this seat, rather than standing or walking around. That's the interesting thing that most people don't recognize until they're in this thing. I know what my disability is. You and most of the population of Ontario don't necessarily know.

In our brief we have given specific areas of the present bill that can start it on the way, but our strong belief is that what is needed is the inclusion of private sector and broader public sector compliance requirements. So if an organization doesn't make a building accessible, I don't have to go to the Human Rights Code and complain. If they don't comply within an established time frame, then they have a problem with the legislation; I don't have to complain to the Human Rights Commission. Many people who are physically or emotionally challenged do not have the mental capacity or the financial resources to complain through the Human Rights Code process.

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The other thing is timelines. If the organization that needs to make their building accessible has plans to do it but never accomplishes it, it's a very lovely idea but it's not going to happen unless I go and complain. So there should be definite timelines in the legislation requiring compliance within a period of time and a remedy structure for people who want to make this legislation work. The concept that businesses will get in line or follow the spirit of the legislation without requirements is not necessarily there.

I hope that our presentation has been helpful. I think reading our brief, which goes much more into specifics on the legislation, will give you some of our specific critiques.

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

Mr George Smitherman (Toronto Centre-Rosedale): I have one question. My stepmother has MS. Luckily for her, she's been in remission for a long time, but I very much appreciate your words. I'm interested in knowing, when this bill was first presented, was your first opportunity to examine the contents of it provided by media coverage of the bill's presentation or actual consideration of the legislation?

Ms Groetzing: I'll take that, because I'm the technical assistant. We did have an opportunity to meet with the minister, I think it was back in May, to sort of provide our basic requirements of what we thought would make an effective Ontarians with Disabilities Act. Prior to the introduction of the bill, we did have a small opportunity to meet again with the minister in some of the consultation groups he had set up. While not at that point having access to the actual wording of the legislation, there was a feeling at that time, even when we heard the wording, of some of the concerns Kris had, and those were basically the seeming lack of enforcement and the timelines.

I would only reiterate some of the things Kris has said in terms of it being all very well and good to make plans, but if you have no mechanism for ensuring that those plans are enforced and you just go on making the same plans year after year, I think people who have disabilities are going to be very disappointed.

Mr Smitherman: A very quick follow-up to that: one of the things I've heard from some people who were here in the chamber on the day the bill was introduced and who read the media coverage of that introduction was that they, and in fact Ms Yaworski, who spoke earlier this morning, were concerned that some of the media stories might have created an artificial sense of expectation among disabled people, that the quality of the communication on the day of the event far surpassed the content of the bill in terms of its meaningful impact on lives. Did you go through any of that emotional reaction?

Ms Groetzing: I think our organization was disappointed, and I would think it would go back to the vision statement that was signed by Mr Jackson and Mr Harris, which is wonderful. I love the vision statement

that was unveiled on November 1 at the Easter Seal Society building. Unfortunately, when we actually saw the wording of the bill, it did not live up to that. I would urge this committee to go back to that original vision statement and try to put into the existing bill some wording that would actually capture the goal that is in the vision statement, which Mr Jackson so eloquently presented at that time.

Ms McDonald: Along that line, my comment to the committee that the view is very different from down here—perhaps the reporters who said terrific things about it extemporaneously were standing up a little higher. The view is different from down here. Getting into a building—for example, there was a restaurant where the only entrance that was accessible to my scooter forced me to enter through the kitchen, by the garbage cans. That was the only accessible entrance to the restaurant. That restaurant has since gone out of business. I won't necessarily tie those two items together; however, they certainly lost my business at that point.

The view is a lot different for people with disabilities. I'm not trying to make business for myself, but the advice and counsel of people with disabilities to people like yourselves is critical: ask us to go in to check a washroom and see if I can get into it with my scooter.

Mr Martin: On page 3, you mention no reduction of rights, something that has come up on a few occasions this morning. Just in case people are not understanding what we mean here, in this ARCH Alert document, on page 3, it says, "A notable difference in language between Bill 125 and the Human Rights Code is that the bill directs that various planning initiatives are to 'have regard to accessibility,' a somewhat vague direction, while the code requires accommodation up to the point of undue hardship."

Ms McDonald: We have suggested, in our brief, wording to add an amendment to the legislation as it presently stands, for a way to clean that up. So Deanne has provided you with the tool to correct that deficiency in this bill.

Ms Groetzing: Just a comment on the words "have regard to"—I've talked to a number of people in various jurisdictions about this. The language they are using is rather odd language to use. It might be an opportunity at this committee level to clean that up a little bit, so we don't get into the issue, which several people have raised, that this bill might actually have the not-intended effect of reducing the existing rights of people with disabilities.

Ms McDonald: "Have regard to" is magic loophole language.

Mr Martin: Yes. I think it should raise a red flag for all of us in terms of what other things might be in here that might give people the wrong impression or lead us down a path that would.

Mr Hardeman: I too have MS very closely in my family, so we thank you very much for your presentation.

I want to assure you that there's definitely no intent in the legislation in any way to take away the rights the disabled community presently has in the Human Rights Code. If that is what the appearance is, then I can assure you we will be looking at that to make sure that's covered off. We very much appreciate your comments and suggestions as to how that might be done. So we will take it under review.

I just want to go to the purpose of the legislation. You reworded it. I'm having trouble trying to find out the differences between the purpose as written in the legislation and your suggestion as to what it should be. To me they seem to be quite similar. Could you just help me with what part of it is the significant difference? You suggest, "The purpose of this act is to achieve a barrier-free Ontario for persons with disabilities through the identification and removal of existing barriers and the prevention of new barriers with the significant involvement of persons with disabilities. Currently it says, "improve opportunities for persons with disabilities and to provide for their involvement in the identification, removal and prevention of barriers to their full participation in the life of the province." It would seem to me that they are almost identical, except that they're worded differently.

Ms McDonald: It's kind of the tone. I don't want you to take care of me; I want you to allow me to live as full a life as I can.

Mr Hardeman: I guess that's really why I asked this question. It seems to me that the present purpose says we will create an Ontario that allows for the full participation of people, where yours says we shall create a barrier-free Ontario. It just seems to me that relating it to the individuals is more appropriate than what you will create. We will provide the ability for the disabled community, to create for themselves full participation in our society. I guess that's really why I question that.

Ms Groetzing: I agree with you. Those are nuances and if we were all lawyers we could spend the rest of the day arguing, which I suspect we don't want to do. I think our intent was there could be some—if one takes the current language of the purpose and tried to create opportunity, it's sort of doing it in a two-stage manner. We thought that a different, more direct language might get to it faster as opposed to, "Well, we're going to create this opportunity, but we're going to do it in an almost arm's-length way." Unfortunately then, with some of the other things that Kris was mentioning, then it's coupled with the fact that it really only talks about public sector involvement initially, in terms of municipalities and the wider public sector; it talks about basically filing plans. Then we do actually worry about the purpose of the act. I think that perhaps that might be more directive too. I think it would be something that we could probably live with if there were more teeth in the rest of the act.

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

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BLOORVIEW MACMILLAN
CHILDREN'S CENTRE

The Chair: Our next presentation is from the Bloorview MacMillan Children's Centre. I would ask the presenter or presenters to please come forward. If you could state your name for the record, please. On behalf of the committee, welcome. We have 20 minutes for your presentation this morning.

Ms Sheila Jarvis: Good morning. I'm Sheila Jarvis, president and CEO of Bloorview MacMillan Children's Centre. On my immediate left is Greg Contaxis. Greg is a young person who has used services at Bloorview MacMillan Centre. He is currently a volunteer in our organization and a mentor for many of our youth at the centre. On Greg's left is Cal Millar. Cal is the parent of a young girl who uses services at Bloorview MacMillan Children's Centre. Cal is also a member of our board of trustees. Thank you very much for allowing us to come this morning and share with you some of our remarks on this important legislation.

We have just circulated to you a folder of material which contains our speaking remarks this morning as well as our position paper on this legislation.

Staff, young people and families at Bloorview MacMillan have expressed strong, unanimous support for an effective, comprehensive and enforceable Ontarians with Disabilities Act. This legislation is viewed as a key instrument in enabling children and youth with disabilities to achieve their personal best.

We wish to congratulate the government of Ontario for releasing its Vision for Persons with Disabilities. This declaration truly confirms 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.

We also wish to congratulate the government on introducing Bill 125, which we see as an important first step to working with every sector of Ontario society to move toward a province in which no new barriers are created and existing ones are removed.

Bloorview MacMillan Children's Centre believes that, by strengthening this legislation with certain amendments, the government of Ontario, with the disability community, can begin to achieve the important principles that are stated in Ontario's Vision for Persons with Disabilities.

Our comments and recommendations today focus on a few areas important to children and young people with disabilities and their families.

Definition of "barrier" and "municipal services": children and young people with disabilities and their families regularly experience barriers that prevent them from participating in many parts of their lives. These obstacles exist in education, recreation, housing, public transportation, employment and health care services, and they result in many types of discrimination. More information

on these barriers can be found in our position paper on the Ontarians with Disabilities Act, a copy of which you have in your package.

Because of numerous barriers, children and young people with disabilities and their families are disadvantaged in several ways: socially, vocationally, economically and educationally. Not as obvious but equally significant is the emotional and psychological toll these barriers take.

Therefore, Bloorview MacMillan Children's Centre recommends that the purpose as stated in section 1 be consistent with the government's Vision for Persons with Disabilities and that the definition of "barrier" in subsection 2(1) be expanded to include education, recreation, housing, public transportation, employment and health services.

In addition, Bloorview MacMillan Children's Centre recommends that subsection 12(2) require municipal councils to seek advice from accessibility advisory committees on the accessibility for persons with disabilities to buildings and, importantly, programs associated with municipal services, including recreation facilities such as swimming pools, skating rinks, libraries and all of the programs within.

Definition of "disability": in order for an Ontarians with Disabilities Act to be effective, it must contain a clear, comprehensive definition of "disability," so that all children and youth, regardless of disability, derive equal benefit from the law.

Among its many clients, Bloorview MacMillan serves more than 200 infants and up-to-18-year-olds each year who have experienced a severe brain injury from trauma, tumour, stroke or other illness. While brain injuries aren't always noticeable, their impact can be complex and permanent. People of all ages with an acquired brain injury may experience emotional, learning, physical, psychological and social difficulties.

At Bloorview MacMillan, we enable children and youth with severe acquired brain injuries to reintegrate into their homes, schools and communities. Including people of all ages with an acquired brain injury in the Ontarians with Disabilities Act will support these people immensely. Therefore, Bloorview MacMillan Children's Centre recommends that the definition of "disability" in subsection 2(1) be broadened to include acquired brain injury.

Now, over to Cal Millar.

Mr Cal Millar: As she alluded to, my name is Cal Millar. I have an eight-year-old daughter named Samantha who first attended Bloorview MacMillan's school in what is called the IET program, or integrated education therapy program. She's now in her second year at her community school, which is grade 3 for her, and it's a publicly funded school close to our home.

Samantha uses a special computer in order to communicate with us and the outside world. She requires classroom support in order to learn, in the form of a full-time attendant. Like other parents of children with disabilities, I'm constantly required to advocate on my

daughter's behalf for her right to get a proper and full education. An Ontarians with Disabilities Act should put an end to our constant struggle and provide all children with disabilities with the education they need and deserve.

While the Canadian Charter of Rights and Freedoms guarantees people with disabilities equal protection and equal benefit of the law, and while the Ontario Human Rights Code prohibits discrimination because of a handicap, in several areas numerous barriers continue to exist.

An example of this is Ontario's Education Act, which was amended in 1989 to guarantee every child an appropriate education. The interpretation of "appropriate education," however, varies from community to community. This, coupled with a lack of funding and support, means that although more children with disabilities now attend their publicly funded local school than happened 10 years ago, many of Bloorview MacMillan's children and their parents and families say that an additional key step needs to be taken: the inclusion of students with disabilities in community schools close to their homes must be made law.

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I would also like to add that although brain injury is the leading cause of acquired disability in Ontario children, with more than 6,000 sustaining such brain injuries each year, Ontario's Ministry of Education does not have an acquired brain injury designation in the categories it uses to identify exceptional students. This is why many students with an acquired brain injury, or ABI, are misidentified and don't qualify for the classroom support they need. An Ontarians with Disabilities Act that includes acquired brain injury as a disability and education as a barrier would enable students with a brain injury to attend their local public school and get that education.

Bloorview MacMillan parents also believe that including students of all abilities in classrooms and all school events is the key to breaking down barriers and building positive attitudes toward persons with disabilities across every sector of our society. Students in inclusive classrooms, of which my daughter Samantha is one, learn to appreciate, support and care for people of all abilities. It works both ways: the children with a disability learn how to interact with their peers, and conversely, those we consider "normal" in some way. We welcome the government's commitment to a public education campaign to contribute to overcoming attitudinal barriers in this province.

Therefore, Bloorview MacMillan's Children's Centre stresses the importance of expanding the definition of "barrier" in subsection 2(1) to include, among other areas, education, and broadening the definition of "disability" in the same section to include acquired brain injury.

I'm going to turn it over to Greg.

Mr Greg Contaxis: Good morning. As Sheila said, my name is Greg Contaxis. I'm going to talk about a barrier-free Ontario and what it's like to go shopping. On a couple of occasions I had the experience of going

shopping as usual. Twice in the past—last week as a matter of fact—I went to a Radio Shack store and I knocked over two toys, two games. I had to say, "Sorry." That's unacceptable, because the aisles should be wider so I can get easier access. I believe that if the people who work there can listen to us, then we can make suggestions.

Also, I was in a department store over a year and a half ago, and I knocked over a whole display of china because the aisles were not wide enough for me to get around. I offered to pay for it and they said, "No, it's OK. You don't have to pay for it." I asked, "Are you sure?" They said, "Yes, that's OK, sir." That really bugs me, because they say it's accessible. But I drive with a head control, and it's a bit difficult for me to drive with a head control because I need to keep turning left and right, and that made me knock down the display in the china store.

On transportation: I travel on Wheel-Trans quite a lot. I know there are accessible subways and buses as well. That's all fine and dandy, but I have a very severe eye problem as well, and for me and others too, it's not very feasible. The other reason I say this is because when there's a really bad snowstorm in the city, the regular subway system won't be able or offer to take us to the front door, so that's a barrier in itself.

I have to plan my things one day in advance. That's not acceptable because, number one, I thought we were supposed to be spontaneous. I thought we were supposed to be willing to work for the disabled, for everybody. It doesn't prove to me that this is working for the disabled. When I have to call Wheel-Trans to cancel my trip, even though I'm sick, then I get penalized. If you get more than six cancellations, you'll be suspended for two days if you don't appeal it. I don't find that acceptable because, number one, as I said, we're allowed to be spontaneous and we are allowed to have the freedom and all the spontaneity we want. I'm suggesting that with all the rules and regulations we have to build with, I want my young adult friends and I to have the spontaneity to do whatever we want, just like Vancouver, where you book seven hours in advance and that's all it takes. Do you know what you're doing from day to day? No, you don't.

Those are my points.

Ms Jarvis: Thanks, Greg.

Therefore, Bloorview MacMillan Children's Centre recommends that subsection 4(1) require the government of Ontario to work with persons with disabilities to develop barrier-free design standards for all existing and new buildings in Ontario, including shopping malls and other places attended by young people with disabilities and their families.

Last, but not least, accountability: laws are only as effective as their accountability mechanisms. Bloorview MacMillan Children's Centre believes that the Ontario government must take a leadership role in ensuring compliance with the Ontarians with Disabilities Act by including accountability mechanisms in the legislation.

Therefore, Bloorview MacMillan Children's Centre recommends that subsection 20(2) specify a role for the Accessibility Directorate of Ontario, in consultation with the Accessibility Advisory Council of Ontario, in holding the government of Ontario accountable for the effective and timely implementation of the Ontarians with Disabilities Act.

In conclusion, staff, clients and families at Bloorview MacMillan Children's Centre believe that, in addition to making good social sense, an Ontarians with Disabilities Act also makes good economic sense. Such legislation will be instrumental in creating an Ontario where everyone belongs. This will save taxpayers money in expenses resulting from the unnecessary dependency and non-productivity of persons with disabilities. As one of our parents said, the way things are now will cost society so much more in the future. The Ontario government is better off spending money now, as it will be saved tenfold in the future. Thank you very much.

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The Chair: Thank you. We have approximately one minute per caucus and I'll start with Mr Kormos.

Mr Peter Kormos (Niagara Centre): Thank you, folks, for coming. Mr Contaxis asked whether people here know what they're doing from day to day. If he joined me at a House leaders' meeting on Thursday mornings, the answer would be very obvious to him.

The point raised about the private sector and access within the private sector, and the private sector especially as it holds itself out to be public, and we're talking about retail stores, we're talking about everything from movie theatres, and the Ontario Human Rights Commission has had to deal with some of them—one of our great concerns is that there is nothing in this bill that puts a clear responsibility or obligation, an enforceable obligation, on the private sector to ensure accessibility. That's one of our great concerns, among many. So I'm simply acknowledging your comments in this regard, the validity of those comments, and hoping they will prompt support for amendments that put some clear obligation on the private sector. We can't wait. It's silly to suggest that we're going to wait. People have waited far too long.

Ms Jarvis: We would certainly agree with that. I think there are ways we can do it in terms of a phased-in approach with appropriate accountability built into it. Certainly, when young people like Greg and parents like Cal raise issues with the private sector about physical accessibility, attitudinal barriers, difficulties with employment, there is quite an interest in the sensitivity there, but a huge amount of awareness I think needs to take place in the public sector about simple things they can do to actually make their businesses much more publicly accessible to everybody. So we would agree.

Mr John O'Toole (Durham): Thank you very much for your presentation and thank you, Greg, for making us aware of how difficult it is to be spontaneous. As Mr Kormos said, sometimes spontaneity here isn't very positive either.

There are three points. I certainly hear the definition issue and I sometimes question, because it is to some extent two parts of the bill, section 2 and section 26, that try and define it. Perhaps it doesn't specifically address acquired brain injury, but the words it uses, "an injury or disability for which benefits were claimed" etc are certainly something I want to make sure—we've heard it before.

I would also say, Mr Millar, with respect to special education, I'm surprised, really. I was a school trustee and was on special-ed advisory committees etc. The full model today is funded on an integration basis. It used to be a segregated model. Now it's mandatory integration. From what you've said, you're very supportive of that, and that's what I heard as a parent and also as a trustee, that integration was the preferred option for first educating the general public about the barriers. My only question is, if there's anything in what you've said re the accountability mechanisms, the five-year review and other kinds of review with the directorate that's to be set up, I think I would take that advice and try to move forward with it.

Ms Jarvis: Even with the Education Act and the amendments that were made, which we of course fully support, there are still obviously a lot of day-to-day barriers in terms of young people like Samantha Millar getting a good education. It's not just in the classroom, but field trips and things like that are usually not available for kids with special needs. So it has gone a long way, but if there were a better definition built in here, I think when we look at plans for the ministry and schools to work toward greater accessibility, we could then enforce it.

Mr Smitherman: Greg, I want to say to you that the power of your presentation will be in my mind as I make up my mind about how I'm going to vote on this. At this moment I'm opposed to this legislation because the problems that you speak to are not addressed.

My question is to you, Ms Jarvis. You use in your presentation the words "important first step," and in an answer to a question you used words like "phased in" and "seeking to see some enhancements." I'm a gay man and I have been involved, along with my community, in the struggle toward full equality. I will tell you that although from time to time I am somewhat happy that progress is being made, every day that I do not have full equality is a day that I am a second-class citizen. This is a difficult question to ask, but I'm wondering if people who have the responsibility to be advocates on behalf of disabled people, to speak on their behalf, have not become part of the problem when they use language which is in my view, in response to this bill, rather inadequate.

Ms Jarvis: I guess we do see, though, this bill as a very good first step. I've used that term and I've also used the term "phasing in." We have to begin somewhere. If this is something that is achievable in the short term, we support that. We have had great debate internally with our clients and families about that very issue: should we say no or should we suggest that we go for-

ward, make as many amendments as we can to strengthen it today and work with it? It does, I think, put in place mechanisms that will make it better. It still won't be perfect, but I think there are mechanisms there that we can work on in order to make significant improvements. We see it as a vastly better step than what we have today, which is really no legislation at all.

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

MIKE COCHRANE

The Chair: The next presentation is from Ricketts, Harris. If the presenter could please come forward and state your name for the record. On behalf of the committee, welcome.

Mr Mike Cochrane: My name is Mike Cochrane. I'm a lawyer in Toronto with a firm called Ricketts, Harris. The reason I am here today is that I have about 300 clients right now who are disabled. They are deaf students who went to three schools in Ontario: the Sir James Whitney School for the Deaf in Belleville, the Ernest C. Drury School for the Deaf in Milton and the Robarts School for the Deaf in London, Ontario. It may shock you to hear that I've got 300 clients from those schools, but some of your colleagues will tell you that I appeared before the standing committee on justice and social policy back on October 30 to talk about a problem I've had and that my clients have had for the last seven years in Ontario trying to get the government to listen about problems that occurred in the schools for the deaf in this province.

Just before I go into the details of that, I should probably point out that with me today are Bill Conley and Maggie van Vorst, who are two of my clients. They are both students who went to schools for the deaf in Ontario and they deserve a lot of the credit for me, as just a regular practising lawyer who knew nothing about the deaf community in Ontario, getting immersed in a bit of a nightmare that was going on in our schools for the deaf. Bill and Maggie really, as I said, should get a lot of credit for sticking with it and making sure that people heard about what happened at the schools and for telling their own stories about physical and sexual abuse that occurred in our schools for the deaf.

I've mentioned to you that I told the standing committee on justice about these problems. I also want you to know that I've met twice with the Premier's office on this subject. I've met with the Ministry of Education numerous times. I've met with the Ministry of the Attorney General numerous times to talk about it. It's kind of incredible that it remains a secret, that nobody talks about it. I've met with Mr Parsons, and his colleague Michael Bryant, the critic for justice issues in the Liberal Party, and even today it was pointed out to me that this newspaper that serves the deaf community, called *Silent News*—that's what it looks like. It's a paper that gets pretty much North American distribution. This is their issue from December 2001 and inside is an article

that refers to Mr Parsons's comments in the House: "Canadian Ministry Blasted over Handling of Sexual Abuse Allegations." That article refers to Mr Parsons following up on a meeting with me about the way deaf people were not being listened to by this government in relation to allegations of physical and sexual abuse that happened at these schools.

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I would suggest to you that you call up the Hansard with my remarks to the standing committee on October 30. I'll tell you exactly what I told them. In 1994, Bill and Maggie showed up in my office in Toronto saying that there had been physical and sexual abuse at a school for the deaf in Belleville. I got in touch with some former colleagues of mine at the Ministry of the Attorney General for Ontario. They agreed to come down to my office and they met with students. They brought interpreters with them and they were interviewed. We all came to the conclusion that something pretty serious had happened at the school, that it seemed there had been physical and sexual abuse. There had been criminal charges laid against teachers and staff. There had been convictions. The more we looked into it, the more students we met who made the same kinds of allegations. We went from having about half a dozen people in my office to my having about 300 names of students who had the same or similar allegations. I'll give you the abbreviated version of this.

As a result of non-stop pressure from myself, Bill Conley and Maggie van Vorst and others, we eventually persuaded the Ministry of Education to create a system for inquiring into these allegations at Sir James Whitney and doing something about it. This usually comes as a bit of a shock to people, but as a result of that investigation and inquiry, a private compensation system was set up where deaf people who alleged that they were physically or sexually abused went to tell their story to an investigator, the investigator would do some work and their case would be sent to a private arbitrator. The private arbitrator was Sanda Rodgers, who at the time was the dean of the University of Ottawa law school. She conducted the arbitrations, and 185 people who went to Sir James Whitney received a total of \$8 million in compensation.

In December 1999 the Ministry of Education said, "We've had enough. We're not going to listen to any more claims," and they slammed the door on the deaf people who had not even heard yet that there was a compensation system in place, because the government had not publicized the fact that they were making this compensation, or even this process, available for deaf people. That meant that 185 people who live in Ontario—and I can tell you, probably the vast majority of them are on Ontario's disabilities support program—received their compensation, but the people who hadn't got their claim in by December 1999 got nothing. I can tell you that in some households, the husband got his claim in on a Monday and the wife got her claim in on a Tuesday; the husband received an opportunity for compensation but

the wife did not, because an arbitrary deadline was set, a deadline that nobody even knew about. The government simply decided they weren't going to have any more compensation claims considered from Sir James Whitney school.

The people who missed the deadline—we've been trying for years, and this is why I've had these meetings with the Premier's office and his staff and with Janet Ecker's staff and with, when he was Attorney General, Mr Flaherty and his staff. They know all about this. Mr Parsons raised it in the House. Everyone knows about it and no one is reconsidering opening the door so that the balance of these students can come forward and tell their stories and have an opportunity of compensation the same way as everybody else.

The reason I mention all this in the context of this legislation is that it came as a bit of—I got the kit like everybody else. It's pretty nice. It even has references to deaf people on it. On the back, there's some signing across the top, images that are put right on the brochure. I don't know if anybody knows what that means. There's no translation for it. It says "Ontario." Down at the bottom it has some deaf people signing. What they're signing is "I love you." On the inside, there's another deaf image of somebody saying "love" in the sign for embracing. But inside the kit itself there's no mention of deaf people. There's nothing in here for deaf people that I can see and there's certainly nothing in here that would be of any benefit to any of my clients.

That causes me concern because, even if you go through some of the highlights in the explanatory notes for the legislation, number 3 says, "Where technically feasible, the government is required to provide its Internet sites in a format that is accessible to persons with disabilities." I would assume that includes deaf people. In my case, it involved hundreds and hundreds of people who live in the province now and need to communicate with the government now, never mind Internet sites. They weren't even told that there was a multi-million dollar compensation plan available for them that they should apply to and have investigated.

The same applies with number 4, where it talks about government publications being available in a format that is accessible to the person. Many deaf people can read. Lots of deaf people can read. Many of them can't read very well. Many of the ones I've met are illiterate, in my view, because of the education they received in schools for the deaf. They don't even get the publications. They don't even know that there's a publication available for them, never mind being able to read the ones that are available.

I was concerned when I saw this kit and I thought it would be worthwhile coming back to tell the committee about how deaf people in Ontario are actually being treated. I didn't know any deaf people before I had this case. I've met hundreds since then. I've driven all over the province, in many cases at my own expense, because the government was not interested in paying the legal fees for a lot of the people who were involved in these

cases. I've driven to many, many small communities and learned that what has happened is that deaf people in many cases got a very bad education in our schools for the deaf and graduated pretty much illiterate, without skills, and they kind of drifted into many of the smaller communities where they can eke out a living receiving disability benefits and really trying to keep to themselves pretty much. We haven't made it easy for deaf people to participate in Ontario society or to have the opportunities that are referred to on the cover of this brochure: "Independence and Opportunity." That's a cruel joke for many deaf people in Ontario.

I would urge your legislative research person, Mr Rampersad, to inquire into how many people who are receiving Ontario disabilities in this province are deaf and how many of those people went to the schools for the deaf. I was in shock when I saw the number of my clients that were receiving disability benefits.

The reason I appear here today—and I want to be able to take questions but I just want to tell you a little bit about these cases. Here's the really hard part: the government has closed the door on the people from Sir James Whitney. There are two more schools. I now have dozens of clients from Ernest C. Drury School for the Deaf in Milton who make the same allegations, because when they opened E.C. Drury, in some cases they moved staff from Whitney to Drury. Now I have six clients from the Robarts school in London, six girls who were sexually assaulted by the same teacher, who went to trial and was convicted, received a sentence, has served it and is back out in the community. After they gave their evidence at that criminal trial, those six women filtered back into the community, no one ever telling them that there was a possibility of receiving compensation for the harm they had suffered at this teacher's hands.

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The sorry part of this whole story is that there are many allegations, there are many charges that have been laid against teachers and staff, there are convictions and there are investigations ongoing. As a matter of fact, when I made my presentation to the standing committee on justice, there was a preliminary inquiry about to start the next day in Belleville related to criminal charges against another teacher from that school. So this problem is nowhere close to being dealt with, and I would suggest that if the government is really enthusiastic about going forward with legislation that is supposed to increase the independence and opportunity of people with disabilities, they should take a look at cases and situations that you have right in front of you, where people and lawyers and others have been knocking themselves out trying to get these people some help. They wouldn't benefit from this legislation, even if it was passed tomorrow. But you could do a lot to help deaf people in Ontario simply by dealing with the problem that is very much in front of you right now.

I just want to conclude by saying this, and this may sound strange coming from a lawyer dealing with these cases. Where people in the government aren't going to

talk to me, I'm just going to sue. We tried to avoid it; I'm just going to sue. We'll have hundreds of lawsuits and we'll let the courts and the justice system and the budgets for the Attorney General swell to deal with the hundreds of cases that will go into our justice system. That's what I'm going to do.

But one thing that's become very clear to me, just as a regular citizen dealing with these people, is that something very serious needs to happen in the area of education of deaf people in Ontario. One thing that I would put before you—if I could make any amendment to this legislation, this would be it: I think that Ontario has an opportunity to really lead the way in Canada by creating Canada's first university for deaf people. When deaf people graduate from our schools, they go to the United States to get any post-secondary education. There's really nothing for them here. They go down to universities that we've heard about like Gallaudet. Mr Conley actually went there. I think that part of the reason that Bill Conley is such a with-it participant in Ontario society today is that he went to Gallaudet University in the States and he knows how to speak up for himself and how to speak up for other people in his community. Why we don't have that kind of opportunity here in Ontario, in Canada, is a mystery to me. At a time when we want to do things for the disabled community, this would be a fabulous thing that would be of benefit to deaf people, first and foremost in Ontario, but to deaf people across Canada, and it would be good for Ontario. If we're open for business here and we want business, let's open a university that helps deaf people.

Those are my remarks. The only thing I really ask of you is to go back to your respective caucuses and ask them questions about the treatment of deaf people in Ontario in particular, in these cases that are pending right now from our schools for the deaf.

The Chair: Thank you. We have one minute per caucus, and I mean one minute per caucus.

Mr Hardeman: First of all, I wanted to say that the issues of the situations that you've described in the different schools I don't think are acceptable to anyone. I appreciate the fact that you mentioned that you'd talked to a number of people in government, and I hope that there are solutions found to deal fairly with those people.

But I do want to point out, in the definition of "disabilities," in fact it's a degree of physical disability, infirmity, malformation and disfigurement, and then near the end, impediments, deafness or hearing impediments, muteness or speech impediment or physical reliance on a guide dog or other animal. So in fact, the deaf are specifically mentioned in the definition of a disability. I think as the whole bill relates to disabilities, it includes, contrary to your comments, the deaf.

The Chair: To the official opposition, Mr Parsons.

Mr Parsons: I write a lot of letters to ministers on issues regarding my constituents. Interestingly, this is the only topic where in the last two years I've not had an answer to one single letter from the minister regarding that, or any reaction out of the House. So I can under-

stand the frustration that the individuals you represent are bringing forward.

The justice system is difficult for anyone to access. It appears to be almost impossible for the individual who is deaf. What would have to be in a real ODA to level the playing field so that an individual hearing-impaired or deaf or deafened could have equal access to the justice system?

Mr Cochrane: I would say the one change that could be made specifically for the deaf is to do something on the interpretation in the courtroom itself. There was one trial related to allegations against a teacher at Sir James Whitney. It's not an exaggeration to say the women who came forward to testify were subjected to a very tough cross-examination, and there were problems, and the problems related to the difficulties around interpretation of what these women were trying to say had happened to them. There were acquittals as a result. So if something ends up in the legislation that reaches out into the justice system to improve interpretation in the courtroom, real time or actual interpretation like we're receiving today, that would be a big help for deaf people.

Mr Martin: This government has obviously made some choices. One of the choices they made was to give tax breaks to corporations and other individuals in our community. To do that, they had to find the money somewhere. The money is money that's not available for deaf interpretation, it's not available to solve the problems that you've put on the table here this morning and it won't be available to open up a university for the deaf in Ontario and it won't be available to support any of the legislation that they're putting before us today, because there is no reference to any resources. So if I were you, I wouldn't be holding my breath.

Mr Cochrane: I can tell you, I'm not going away and neither are these deaf people. One way or the other, it's going to be dealt with, if it's in front of a judge or it's in front of committees like this. I've been on this thing since 1994, and I've told everybody who will listen we're not going away.

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

MILTON DEAF ACTION GROUP

The Chair: Our next presentation is from the Milton Deaf Action Group. I would ask the presenters to please come forward and if you could state your names for the record. On behalf of the committee, welcome.

Mr Vance Youngs: My name is Vance and I'm representing the Milton Deaf Action Group. I'm from the E.C. Drury School for the deaf.

Ms Tanya Sturk: I'm Tanya Sturk and I'm also representing a group at the Milton school for the deaf, the Milton Deaf Action Group.

Ms Jessamyn Roach: I'm Jessamyn Roach, and I'm also a representative with the Milton Deaf Action Group. I'm also a student at the Milton school for the deaf.

Maybe I'll begin with my comments. For hearing people in the province, students, 75% of them have employment, and I'm just looking at teenagers. If we look at deaf people, only 25% of them have jobs in Ontario. We need to look at that and say what's wrong with that. If we go in to apply for jobs, we have great resumé's with all kinds of experience and a hearing teenager goes in and has nothing on their resumé, they get hired over a deaf person. I think that hearing employers look at us and don't feel that we can really do anything as employees.

I worked at Chudleigh's and when I was hired there—I guess I was hired there in the fall, in September, and I worked there all the way until October 31 and I worked there every weekend. I'd be there 9:30 to 5:30, eight hours, working my shift. I'm able to run a cash register, to be a cashier. I had done that before. I'm able to use some of my speech and able to hear people OK, but they told me that I couldn't. They had me cutting apples. So I would cut apples for eight hours a day at my shift. I was really bored. There was no challenge in doing that. I'd see some of the other people and they could do a variety of different jobs, but I had to stay there and do this one job, over and over. I had to do this. After about two months of cutting apples, I looked at that and I said, "There's no challenge in this for me to do that."

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I don't think it was fair, because deaf people have capabilities. You see deaf people working at McDonald's, where they're cleaning the floors, but they could be the people who are doing the cooking. Hearing people put a lot of barriers in place for us. To be here in a hearing world, we need to have those barriers removed. So I hope that would happen.

Ms Sturk: My comments have to do with communication and safety. If we look at going to movie theatres, there's no excuse for there not being captioning of movies in movie theatres. We realize that money is an issue, but if you look in the States, there's captioning there. If they can afford it, we can afford to do it too. They've got first-run movies that are out with captioning. I go to a movie and there's no captioning. Why shouldn't there be? Why shouldn't there be options in place for us for that sort of thing? Why should we be limited by the number of movies that are captioned at all?

Why shouldn't there be some kind of discount as well for people going into theatres who can't hear? I asked for a discount at a movie theatre and I was told no. I was with a group of friends of mine who are hearing and we went to the movie theatre. When I asked for a discount for admittance, because all I can see is the visual part of the movie, they said no. I said OK to that and I went in, but friends of mine saw a girl there in a wheelchair and she was given a discount, a half-price admittance. I don't understand that, because she could understand everything in the movie. She was in a wheelchair, but she could still understand the movie, and I would be there paying the full price and I can't understand all of it. So that's not really fair. Those are real barriers in movie theatres. If

you want to go to the movie, you can't. You have to wait until it comes out on video.

Then, when it comes out on video, a lot of the movies don't have closed-captioning on them. They used to, but there's less and less. If I go to the movie and there's no captioning on it, there's no point in that. So it's very frustrating and anger-making. You want to go and see the movie in the full-sized theatre. Then when it comes out on video, there's no captioning on it either. These are movies from 1999 that I've rented. All movies should have captioning on them now. There was a law that more and more of them did, but it seems now there's less and less of them. That's really very frustrating.

The TTY pay phone is something I want to talk about. If you look at Ontario, there are six pay phones with TTY in Ontario. In Buffalo, at the one airport, they have 15 TTYs in place, but if you look at Ontario, there isn't one anywhere. You have to go to the States if you want to use a TTY pay phone; 15 at one airport and we have six across Ontario. That's really embarrassing and it's a real barrier for deaf people. If I need to contact my parents at home, if there's an emergency or something, I can't contact them. And if I get home late, I get in trouble because I'm not able to use a TTY pay phone to call them to let them know I'll be late.

The Milton mall has one TTY, but there was no help from them in that. We had to take that on ourselves. We had to raise over \$1,000 in order for that to be put in place. They said, "We won't do it because there's no profit in it for us." That's not fair.

If I have to call my mom because I need to be picked up from work—I don't have a car; I don't have my licence—there's no phone, there's no TTY for me where I work—I have to ask my boss or somebody at work to call. I don't want to be dependent on other people to make calls for me. I'm my own person, I'm independent, and I want to be able to do these things for myself. When I'm older, as an adult, do I want to be in the same position of asking people to make phone calls for me? That's humiliating. Imagine that.

We should be given these kinds of opportunities. Maybe this is something for you to consider. This is the kind of suffering we've had in place. All of us should have that kind of independence and opportunity to be independent put in place for each of us.

Mr Youngs: I want to talk about athletics and sports and that kind of participation. If you look at deaf people across Ontario, they're involved in their communities with football, soccer, hockey, in each of the communities they live in, but there are many barriers in place. It's not fully accessible for people across Ontario. We're sort of kept down, and one of the ways we're kept down is where coaches talk to players on a team. There's no interpreter if I'm there.

In my own personal experience, I was involved with a hockey team for about 10 years, all the way through the 1990s, and I finally quit and didn't play any more. One of the reasons I quit was that the coach would give everybody a 15-minute explanation of something and I would

sit there and have to ask the coach, "What did you say?" I would have to ask him that. He'd give me a one-line summation of everything else. All the other players would know our strategy and where we were going, but I wouldn't. I would get the one-line summation. So I wasn't treated fairly.

There are many deaf people who are involved in sports, and they really do have to put up with a lot. They have to work harder; they have to find the interpreters for themselves. It puts the real onus on us and it's unfair. There are a lot of athletes who could be really very good athletes, but they drop out because of the frustrations. There is so much put on them in order to try and make it work for themselves that isn't there for the hearing players. Everything is always hearing-focused, and they forget about providing an interpreter for us.

I'm really happy that my dad has been as helpful to me as he has. He's been there advocating with the coach to make sure that I had accessibility. He would be there telling me what was being said, those sorts of things, because people wouldn't write notes. Most of the parents who are there for their kids, you'll see them step forward for their kids, and then the coach will follow what the parents have said. It's really important that that happen. The parents are fans as well and sit there. For us on the bench, where the coach is talking to us, there's no interpretation there on the bench as well. It's really sort of gestural communication with the coach, and it's not very fair. I quit because of that. There wasn't the access provided for me with my coach.

If you do ask for an interpreter for an event or a tournament or maybe a championship game or something, or award ceremonies—I've been to those and people are making comments and talking and I stand there and I don't know what's being said. They are mentioning people's names, who won what, and if they do bring in an interpreter, it's not somebody who really is certified. It's somebody who signs a little but isn't really interpreting, and all I'm getting is, "Um, ah, um, ah," and "Oh, it's your name they're calling," but nothing else. They really should be paying for people who are professionals, who are skilled and able to provide the interpretation so we get the full access we need.

Sometimes when I've talked to friends of mine who are deaf, they talk about the same thing. We feel like we're sometimes taken advantage of by hearing people, and part of that has to do with communication. If we're playing in house leagues or things like that, like in Milton, the ref blows a whistle to stop the play. I wouldn't hear it, and I'd feel like a fool, because I'd keep playing and nobody else had told me that they had blown the whistle. So there should have been something that was used gesturally to let us know that the whistle had been blown.

Or this happened as well: we were playing another team and all of them knew that I was deaf and the players realized this. I would keep playing even though the whistle had been blown and they'd do the sort of thing

where they'd stop moving so I'd think that the play had been called, and then they'd steal the puck from me.

I do see that for the deaf community access is really needed. We need the use of sign language interpreters for young people, for older people. We all deserve this kind of access. Our position paper from the Milton Deaf Action Group that talks very specifically about the ODA and the improvements we see that could be made to it. I hope you would read it, and I appreciate your taking our comments today.

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

Mr Parsons: An interesting presentation. I saw a story on US TV a week ago about three individuals who were in the World Trade Centre at the time it was struck by the jet and they had no idea what was going on. There was no way to communicate with them at all in some sense.

This in my mind isn't really an ODA. But I want to thank you because the ODA isn't just for you; it's for me. When a friend or a neighbour or a relative of mine can't go to a theatre and watch a movie, I don't go to the theatre and watch the movie either. It's not you and us; it's us. We're all together and we need to address the fact that there has to be an act that brings us together.

My question to you is, from your viewpoint, the fact that it does not apply to the private sector, does that make it a meaningful act to you in any way?

Ms Sturk: Well, it should apply to business too; it really should. It should apply to business as well. It should.

I just want to answer your question, or perhaps make a comment where the ODA applies to as well, and with your help it can be successful. We're the ones who actually undergo all the stress and oppression of this. We're the ones who suffer, and we really do know it from the inside out. You can express understanding for us and say, "I appreciate your experience." If you really do, make this a better law, give us the opportunity and provide an equal playing field for us. Yes, equality and an equal playing field is very important.

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Mr Martin: I want to thank you for coming today. I think it takes a lot of courage to come forward, particularly as young people, to make the political statements that you're making here this morning. I think it's radical of you, but that's what's required, for people to take radical action, particularly where human rights are concerned and your ability to participate in society is concerned, because you have a lot to offer, and that's being minimized at the moment. I think it's commendable that you would speak on behalf of your community and come forward today.

Government can deliver for you a lot of what you're asking for, if it only had the political will, and you have to continue to do what you're doing to make sure that in fact they do, that we all do here. This government has made some choices. It has decided to give tax breaks to corporations and individuals across this province, and

because of that, there isn't the money available anymore to do the types of things that you need—interpretation, for example. We all know that it costs money, but it's money well spent. It's a good investment in human potential, and we need to be able to do that. We need to be willing to do that and understand why it's absolutely necessary that we do that.

I don't really have a question as much as to encourage you to keep on being a group of action, to take radical action, to not be afraid to come before groups, like you've come this morning, and to demand the kinds of changes that you need. This bill isn't going to do it for you, unfortunately, but we'll keep working with you on further initiatives and efforts to make sure that government lives up to its responsibility and understands that it serves everybody in this province and that it can, if it has the political will, in fact do that.

Mr Carl DeFaria (Mississauga East): I want to thank you for your presentation. I want you to know that the impact of your presentation is much greater than the usual impact when we have young people coming out and being so versatile in putting their position, as you have done this morning.

I want you to know that it's for young people such yourselves that this government has introduced this bill, and we will be working to make sure that this bill has the mechanism to provide a better Ontario for people such as yourselves.

I know this is a difficult question, but what's the major concern for young people such as yourselves, looking into the future? Is it education or is it translation? What's the single biggest worry that young people such as yourselves have, looking into the future?

Mr Youngs: Well, if I speak for myself, education. But as well, I think for students who are going to schools for the deaf, we need to fight for our rights. If we look at mainstreaming of students, there isn't a sufficient number of us in any one place to be able to have the awareness to take action. So it's education, and it's also—yes, our future.

Ms Sturk: Well, interpretation as well, because we do need interpreters who are skilled in order to make the education worthwhile. We also need to look at the schools for the deaf that may not provide what we need, so then we go to another educational setting where they do provide the courses. But then there's no interpreter or there's a poor interpreter who's been put in place or they put somebody in place who can barely sign at all. So then how am I to know what's happening in the course that I'm taking? That's not fair, and then that screws up the whole course. It's very important information that we're getting, and you can miss out on all the teaching that takes place.

So it's not that we can't do it; it's what's not being put in place for us that is an impediment for us, and if it's tax cuts that mean we can't have interpreters, that's an impediment. If the resources are put in place, our education can actually be as good as it could be for anyone else.

Ms Roach: For me, I want my kids to not have to go through what we're going through. I want them to go have fun, play hockey, play soccer and just be kids and go see a movie, go to the mall and be able to call me if they need to because a TTY will be there for them. All the things that we can't have right now I want them to have.

Mr Youngs: If I could just add to her comments, all of us, as future parents who will be deaf, want to have something for our kids. We look at what we've been through. We want all of this to be in place for them, so we're willing to work in partnership with you to see a better future for all of us.

Ms Sturk: It's not an us-them scenario, but a working-together one. Children themselves are the future; disabled or not, they are everyone's future.

The Chair: You're a great team. On behalf of the committee, thank you very much for your presentation this morning. Good luck.

ASSOCIATION OF MUNICIPALITIES OF ONTARIO

The Chair: Our next presentation is from the Association of Municipalities of Ontario. I'm sure that's going to be a tough act to follow.

On behalf of the committee, welcome. If you could state your name for the record.

Ms Sandra Hames: Thank you. Good morning. My name is Councillor Sandra Hames, with the city of Brampton. I'm the chair of AMO's committee on the Ontarians with Disabilities Act.

AMO is pleased to respond to Bill 125, the Ontarians with Disabilities Act. AMO congratulates the Honourable Cam Jackson, Minister of Citizenship, and his staff in the development and introduction of Canada's broadest disabilities legislation. AMO is looking forward to continuing the working relationship between the minister and the municipal sector through AMO.

As government statistics show, persons with disabilities and the people involved with them represent a significant and growing part of our population. At present, more than 1.6 million Ontarians have disabilities. It is estimated that in 20 years, one in every five people, or 20% of the population, will have a disability. In the same time frame, there will be millions of other people—family, friends, co-workers—who will be associated with persons with disabilities.

Persons with disabilities are a significant resource. Persons with disabilities Canada-wide have the potential spending power of \$20 billion to \$25 billion and offer a relatively untapped pool of human capital. As a result, persons with disabilities play a significant role in our communities and in our national and local economies.

The ODA provides a framework for change, where the public and private sectors alike can work together with the goal of providing persons with disabilities equal opportunities, barrier-free access, full citizenship to increase the quality of life for everyone.

A lot has been done at the municipal level of government, and we know a lot more can be done. It is time for all orders of government to work together with private sector partners to change the public attitude towards persons with disabilities and improve the quality of life for everyone.

The ODA is a bold step in the right direction, and the minister should count on municipalities to do their part in inspiring the changes to achieve full citizenship for persons with disabilities. Having said this, the challenge in any policy development is always how much to lead versus impose, and this matter is no different. AMO offers that the act provides a good balance in general.

Working towards barrier-free communities is good public policy. The province's document, *Independence and Opportunity: Ontario's Framework for Change for Persons with Disabilities*, states, "Perhaps no government has a more direct impact on our daily lives than the municipal level. Municipalities play a significant role in the development of our communities—the streets, parks, public transit and public buildings that we use every day." This statement demonstrates the integral role municipalities have in the success of the ODA.

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When compared to other sectors, the municipal sector in Ontario is a leader in meeting the needs of persons with disabilities and already delivers various programs and services. AMO believes municipalities are committed to ensuring that new barriers will not be created and that existing barriers to people with disabilities will be removed based on local plans and within reasonable time frames. Municipalities welcome the challenge of reinforcing their leadership roles in changing attitudes toward people with disabilities so that they can enjoy full citizenship in the community through better access to employment, training, education, services and mobility. But we need the province to actively help in this attitudinal shift. Its leadership is no less important.

We recognize that persons with disabilities want and deserve independence and opportunity. They can and do contribute to our economy and community life. Municipalities are working toward affecting real change and most already are making a difference. Some municipalities have gone forward with barrier-free design standards for all new and renovated municipal facilities, and others have been working with the disabled community to make sure their views are reflected in local policies. Working towards local policies that create full inclusion and implementing universal design principles which accommodate all types of disabilities at all ages makes sense. The challenge is the ability to finance the changes.

The challenge of removing barriers for the disabled community is one that will require local plans and local resources, particularly in the absence of an accelerated, adequate, dedicated and sustained funding source from the province. It will require ongoing local community and private sector response. Having the direct participation from the disabled community to develop solutions will greatly benefit this process. The proposed annual

accessibility plans and the municipal accessibility advisory committees will be useful tools in working towards barrier-free communities. AMO also believes that these tools and considerations should be based and determined by local financial resources and local needs. AMO knows all too well that a provincial mandatory one-size-fits-all legislative or regulatory approach does not work for all Ontario's municipalities. Rather, a clear framework with attendant tools and other supports, and a degree of creative tension, is a more effective framework.

Municipalities implement numerous pieces of legislation such as the Building Code Act and the Planning Act that affect community form and building design. They oversee the building, renovations and retrofits of public buildings and enforce bylaws designed to improve accessibility and mobility for municipal residents. Municipalities support the strategy of giving accessibility considerations to purchasing, constructing, renovating or leasing new buildings; purchasing goods and services through the procurement process; and evaluating accessibility requirements when approving planning applications and other community features.

Much has been said about the increase in the fine for parking in a disabled parking spot. While this will be a deterrent, AMO would also like to see more focus on the issuance of disabled persons parking permits so that these permits go to the people who truly need them.

AMO offers three examples that demonstrate municipal leadership in creating barrier-free communities.

The first municipal example is Brampton and its universal design in the Playspaces project. First and foremost, the city believes that every person has a right to have barrier-free access to public spaces regardless of ability or physical and mental challenges. To meet its three goals of integration, inclusion and accessibility, the city hired a full-time recreation coordinator of special needs.

The project has produced a policy on universal design for play spaces. Its objective was to enhance universal accessibility for all types of physically or mentally challenged persons within all city playgrounds. City council adapted a list of standards regarding ramping, surfacing, landings, wheelchair-accessible platforms, entrances and exits, and the city was able to get corporate sponsorship to pay for a portion of the replacement and development cost. Three of the local major special-needs groups utilizing the recreational programs were consulted for input. This allowed the city to address important barrier issues, such as the inclusion of sensory elements—touch, smell, sight, sound; a variety of accessibility levels and accessible play spaces; access ramps; panel games; resilient surfacing; and other comfort amenities, including shade structures, accessible tables and washrooms.

The second municipal example is the city of London. Among other major accomplishments, the city adopted an accessibility policy back in October 2000. That policy committed the city to work with the community towards a barrier-free community by making reasonable efforts to have all existing owned, leased or operated facilities,

lands and services be accessible to persons with disabilities, ensuring, where feasible, that all newly constructed city facilities, lands and services be made accessible.

The city is continuing to provide amenities to persons with disabilities—such as curb cuts to sidewalks, Braille in elevators, interpretive services for the deaf, a golf course for persons with disabilities—and are working towards allocation of appropriate resources to accomplish these. The city is developing an accessibility design standards document which will apply to all newly constructed and/or renovated facilities and is seeking community input concerning these proposed standards.

The third example is the city of Windsor. In 1981, the United Nations Year of the Disabled, the city of Windsor created the Windsor Advisory Committee on Disability Issues. The committee includes city councillors, members of the community and representatives from the disabled community. The mandate of the committee is to advise the municipal corporation, conduct needs assessments, increase community awareness, coordinate services and advocate policies. The committee is looking at barrier-free design, infrastructure, employment, transportation, and health services issues. Windsor's advisory committee was also instrumental in the construction of the Windsor Casino and making many outdoor and public walkways accessible.

As illustrated by these three municipal examples, municipalities have been leaders in creating barrier-free communities and will continue to be leaders.

The Ontarians with Disabilities Act acknowledges the importance of local flexibility, the need for autonomy and locally driven solutions. AMO hopes that the regulations to be developed to implement the act will do the same. Municipalities are very diverse. Their geographical location, demographic and economic base are different. They generally have different issues to address, with different solutions and resources. One thing they do have in common is a rather rigid revenue envelope—the property tax base. Consequently, one-size-fits-all solutions or regulations do not work well within the existing revenue sources for municipalities. Municipal property tax dollars are vulnerable when it comes to economic swings because the property tax base must fund social services and community health programs. Increasing property taxes is not the solution.

The act requires that regulations be developed, that other legislation be amended and new powers be given to municipalities. The details relating to annual accessibility plans, accessibility advisory committees, and the accessibility considerations involving purchasing, renovating, leasing buildings and planning approval of subdivisions need to be defined in a way that allows local flexibility. A number of acts will be amended, which include the Social Housing Reform Act, the Municipal Act, the Planning Act, the Election Act, the Highway Traffic Act and the Ontario Human Rights Code. The province needs to involve us in discussions on any of these proposed amendments and changes in municipal powers before they are enacted.

AMO requests that the minister continue to consult with AMO, as he has done in the past, to develop the best possible regulatory framework for the provincial government, the municipal governments and the entire community at large. AMO looks forward to working with the ministry to identify any new tools for use by the municipal sector so that municipalities can make the most appropriate decisions in their communities while meeting the goals of the ODA.

1120

AMO supports the creation of the Accessibility Advisory Council of Ontario and the Accessibility Directorate of Ontario and looks forward to participating. These bodies will assist in facilitating the required ongoing consultation to ensure the success of the ODA. These bodies will also provide a venue to share and disseminate best practices as they relate to barrier-free communities. In fact, the Centre for Municipal Best Practices that AMO and the Ministry of Municipal Affairs and Housing are developing may be another vehicle for the dissemination of community access success stories.

AMO's barrier-free working group will remain in place to support our participation on the two newly created bodies and will be available to provide advice and input on a variety of activities to support the legislation. AMO also supports the coordination and collaboration between municipalities and all the sectors, and agrees that this co-ordination and collaboration will assist in driving the continual improvement of standards for persons with disabilities.

Creating a level playing field for this public policy is key for its success. The Ontario Human Rights Code and the Ontario Human Rights Commission provide a solid basis for the rights of persons with disabilities in this province, and it has commented on the role of all sectors. Municipalities support the work of the Human Rights Commission and look forward to their continued work in the future.

The ODA clearly and specifically defines the roles of the provincial government, municipal government and the broader public sector. However, the ODA falls somewhat short in clearly defining the private sector requirements. AMO agrees that governments need to be leaders, but to meet the full objective of creating barrier-free communities requires greater involvement of the private sector. The private sector should have similar requirements to the public sector in the ODA and be triggered to move in doing its part in creating and sustaining barrier-free communities.

As previously discussed, persons with disabilities across Canada have spending power of \$20 billion to \$25 billion annually and offer a significant pool of untapped human capital. It would prove to be in the private sector's best interests to be subject to the same requirements as municipalities. Ensuring that the disabled community has a voice in business and corporate Ontario's policies and is involved in developing plans designed to eliminate existing and future barriers not only improves the quality

of life for everyone, but also improves business's bottom line because it translates into more clients and a larger human resource pool. The private sector must also have the goals and vision of business environments that operate from the principles of full inclusion and universal design. For persons with disabilities to be best served, the playing field needs to be level, and this includes the private sector.

Removing and preventing accessibility barriers will take time and money. The vision of barrier-free communities is something no one can argue. However, there are many competing demands for the limited municipal property tax dollar.

The ODA calls on municipal governments to remove and prevent barriers. These actions come with a high price tag. For example, making Toronto's 60 subway stations fully accessible for the disabled would cost millions of dollars. This does not include the millions of dollars that municipalities across Ontario are already spending to make existing facilities and infrastructure accessible, offering accessible transportation and educating the community on disabled issues.

The act will amend a number of other acts and develop a number of new regulations, which could trigger costs, direct and indirect. Creating barrier-free communities and giving persons with disabilities full citizenship, while protecting the municipal taxpayer, will prove to be very challenging without the financial help of both the provincial and federal governments.

To accelerate municipal work to reach the province's disability objectives sooner without jeopardizing existing mandatory and community services will require a dedicated, stable and predictable funding source from the province or a new source of revenue for municipal governments. In the absence of a dedicated, long-term funding program, the legislative framework as proposed provides a balanced approach. In its funding deliberations, the province should also consider funding for local education and support mechanisms associated with municipalities related to diversity and persons with disabilities.

Working towards barrier-free communities and full citizenship for persons with disabilities is good public policy. Successfully meeting this goal will take a firm commitment, flexibility that facilitates locally driven solutions, ongoing consultation, a level playing field, appropriate funding and policies that work toward full inclusion and universal design. The ODA is the framework for change that is focused in the right direction, a direction that will lead us to full citizenship for persons with disabilities.

The Chair: Thank you very much. We have less than one minute per caucus. I'll start with Mr Martin.

Mr Martin: Thank you. You raised some really important issues. Certainly one of them, and central to this whole thing, is the issue of resources: where do you get the finances to do the kinds of things that are required?

You also mentioned flexibility. I have some concerns that each community should be allowed, given their resource base etc, to develop their own plans. Disabled people can't be restricted to their own community. If there's something available to them in Toronto and they want to visit, or they want to go to a place like Sault Ste Marie for work, they need to know that the province is committed to a standard of accessibility that's available to able-bodied people across the whole province. Any suggestions as to how we might reach that kind of target?

Ms Pat Vanini: I guess the first example, now that the province has taken back GO Transit, is that here is an opportunity for those design elements to be incorporated in a provincial activity in terms of the cross-boundary movement of people. In terms of the issues of coordination, there is always a challenge where you have boundaries and jurisdictions and defined roles and responsibilities. But with this legislation I think there will be perhaps a greater opportunity for some of that inter-connection as we start to raise the profile on these issues and start to do that work.

Having a one-size-fits-all approach across all services may not necessarily get us where we want either, but maybe there is a need to take a look at particular types of services where we might come up with a regulatory framework that could work. I would want to have a much greater discussion around what that is, as opposed to just sort of leaping off and giving a general answer that says yes or no. Within certain service areas there may be some base elements, and I think part of that comes out of the building code, for example. But in terms of the delivery of some of those municipal services, there needs to be a look at what's happening locally.

The Chair: Thank you very much. Mr Spina.

Mr Spina: Thank you, ladies, for the presentation. Sandra, I didn't realize Brampton was the leader, and I was very proud when you indicated that. I knew we were good, but not that good, and that's great.

Two elements: one was the funding resources you indicated. Just to let you know, in the May budget, the finance minister had \$67 million allocated over five years for new facilities for adults with developmental disabilities and, in addition to that, \$55 million this year, growing to nearly \$200 million by 2006-07, to enhance services for people with developmental disabilities. That money has been planned on a longer-term basis. Of course, how it's put out is the key element, and I think it's important with and through the municipalities.

The question I ask really has to do with an earlier presentation which we had a couple of times and it's this: The disabled people who want accessibility have said to us in a very simple way, "I need to be able to get to my doctor's office or to a restaurant more than I need to get in and out of city hall." Should the private sector lead the way, or should government lead by example?

Ms Hames: As I said in the presentation, Joe, typically governments do lead by example, but I think the private sector needs and should be—we should be on a level playing field with the private sector. There certainly

should be some minimum standards in place for the private sector to allow that disabled person to get to his doctor or get to somewhere else rather than city hall. I agree with you.

1130

The Chair: The official opposition. Mr Parsons.

Mr Parsons: The issue, to me, is not that people with disabilities want equity; people with disabilities are entitled to equity. I'm intrigued by the approach you're going to work toward. If I could roll the clock back to 1920, I would suggest that if there was a bill introduced saying, "We're going to give women the vote, but not if they live in municipalities under 10,000 and not if your municipality can't afford to do a census, but we're going to work toward that," you and I would have found that an offensive approach. We're not dealing with individuals with disabilities who have to come begging for us to gradually find the financial resources. They are entitled to go to a doctor; they're entitled to go to a store. So I guess I'm intrigued and even disappointed at the concept that we'll work toward providing equity. Equity, to me, should be a fundamental right, with the object being to do it now or as soon as possible. There are no timelines, there's no funding, there's nothing that will provide equity in this bill. Can you comment?

Ms Hames: I agree with you. It's a right. You talk about going back to the 1920s. Some of the buildings in municipalities go back to the 1920s. The reality is that to retrofit them does cost a lot of money. If that money is forthcoming from all levels of government, yes, it can be achieved sooner. But I couldn't say to you that it could be achieved in five years, because I don't think it's doable in five years unless an awful lot of money comes from the federal, provincial and municipal levels of government.

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

Mr Martin: I just have a question. There was a page put on our table this morning with three holes in it, and it says page 20 of 20. I was just wondering where that came from and what we're supposed to do with it.

The Chair: Apparently it's a missing page in the briefing binder that you have.

Mr Martin: Under what section?

The Chair: I don't have the page in front of me, so I'm sorry.

CAROLE RIBACK

The Chair: Our next presentation this morning is from Carole Riback. I would ask the presenter to come forward. Please state your name for the record. You have 15 minutes for your presentation.

Ms Carole Riback: Good morning. I notice now many typos, for which I apologize to you. You always find them when it's too late.

It is with a sense of honour and privilege that I come to address this standing committee of the Ontario Legislature. I come before you today wearing many different

hats. I am, first and foremost, a resident and citizen of Ontario; I have lived with a significant disability for 21 of my 46 years; I am well-educated; I have been both gainfully employed long-term and also unemployed, as a woman with a disability; I have been a disabled graduate and post-graduate student; and I am a consumer of goods, services and facilities of this province 365 days a year.

Throughout the 14 years I have lived in Toronto, I have sat on numerous boards, committees, task forces and coalitions that have addressed and continue to address a variety of disability-related issues. I have worked professionally in the disabled community as a psychotherapist, and also creating community programs, services and agencies that have established, as their mandate, barrier-free access and advocacy for and with people with disabilities. Most notably, I served as a board member and volunteer over a 10-year period, and later as program director, of North York Community House. Also, I was the founding manager of the barrier-free health program at the Anne Johnston Health Station, a local community health centre that this government itself has cited as a best-practice model for barrier-free primary health care in its very own 1998 publication.

Unfortunately, that very successful model has not been replicated in this province, though heralded by both the government and consumers alike. Reproducing the model would enable persons with disabilities of all kinds to access barrier-free health care throughout the province instead of the barrier-fraught health care services people with disabilities continue to encounter everywhere in Ontario in both urban and rural areas.

I chaired the TTC advisory committee on accessible transportation for six consecutive years, and I served for three years on Toronto's access and equity task force, which, at its conclusion, brought forward and had passed by council over 90 recommendations governing access and equity issues for residents and employees of the amalgamated municipality of Toronto. I continue to be invited to lecture on multiple issues related to disabilities to diverse audiences throughout the province and specifically throughout southern Ontario.

I often comment that I believe my life has had a Black Like Me/Howard Griffin-like quality, if you're familiar with that reference. Howard Griffin chose to pursue an understanding of the discrimination black Americans experienced in the early 1960s by deliberately dying his skin colour and travelling throughout the southern United States as a white man choosing to become a black man. His entire psyche, understanding of his country and his very future changed dramatically and forever because of his voluntary experiment. Well, my entire life, psyche, understanding and future changed dramatically and forever when I involuntarily became disabled because of a spinal cord tumour at the age of 25.

Prior to the onset of my disability, I enjoyed the many privileges and benefits of an upper-middle-class upbringing—extensive travel, exposure to the arts, an Ivy League undergrad education at Cornell, a responsible job at a young age in international politics, an engaging,

exciting and spontaneous social life and on and on. I was well-respected and was considered to be a thoughtful, mature, intelligent, well-rounded, promising young woman, if I can say that. When I suddenly needed a walker and soon thereafter a wheelchair for mobility, I was suddenly and abruptly treated as a dependent, unintelligent, stupid and, for some reason which to this day I can't fathom, deaf individual. People either stared at me or, alternatively, actually stopped talking to me, even about the most benign and superfluous of topics. Their embarrassment became paramount in my life. Suddenly I was apparently reduced to childlike treatment by others. I was rarely addressed directly in conversation. Talk was always about me, around me, in the third person, totally ignoring the fact that I was actually present, whereas just months before I was actually doing research for an international lawyer working for the United Nations and was responsible for organizing an entire international conference in Geneva, Switzerland, for the international Red Cross. My life had indeed changed dramatically and forever. That is the reality of living with a disability.

As I sat here yesterday listening to the proceedings, I heard committee members repeatedly asking presenters about the differences and varying importance and significance of physical versus attitudinal barriers faced by persons with disabilities. I should use my opportunity here to inform you that there is indeed little difference, that sitting outside any retail shop, or what's funny to be calling a "convenience" store, having to knock on a glass window for attention because a single step prevents a wheelchair user from accessing the store is just as demeaning, disheartening and demoralizing as having, for example, a hospital administrator look right past you and address the person accompanying you instead of you yourself.

These very different barriers, one physical and the other an attitudinal example, render equally the sense that the world is just not open or available to people with disabilities. This is the world in which some 1.6 million Ontarians live day in and day out. This is the pain and hurt with which Ontarians with disabilities and their friends, families and supporters live on a regular, daily basis. It is this pain, this hurt, this demoralization that Ontarians with disabilities have waited patiently and expectantly to have alleviated by legislative initiatives put forward by this provincial government. It is this pain, this hurt, this demoralization that Bill 125, long, long awaited, does nothing to address or alleviate.

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After three days of public hearings and a myriad of written submissions you've already received and that have been delivered to this committee, I thought the committee members may have already heard enough times the same comments from various organizations about what is missing and lacking in Bill 125 in its present form. But the truth is, after yesterday I would feel remiss if I didn't at least mention them.

You have already heard that the bill doesn't do anything more than put in place the opportunity for public sector entities to produce plans for barrier removal and elimination in their organizations. The bill doesn't address the broader public or private sectors but instead allows for exemptions to the planning initiative for many agencies, and the bill goes no further than to simply recommend planning initiatives. The proposed legislation in its present form doesn't address procedures and protocols to actually implement any action to remove existing barriers, nor does it address processes or procedures for necessarily eliminating future barriers of any kind throughout the province.

The bill does little more than mention some physical barriers pertaining to mobility disabilities but addresses no other grouping of barriers or disabilities; for example, policy barriers preventing those with mental disabilities from accessing employment or communication barriers for those who are hard of hearing, deaf or deafened from accessing normalized and financially feasible post-secondary education with the requisite supports in place. Bill 125 provides no timelines, assessment benchmarks, financial supports or resources for initiating change in the world of barriers within which Ontarians with disabilities must live.

Bill 125 doesn't impose a single mandatory action, nor does it provide compliance incentives or, conversely, punishment or penalty for non-compliance, except of course for the one we've heard so much about, the misuse of designated parking and disabled parking permit abuse, which frankly is a joke, because the real issue related to transportation in this province is the lack of affordable, accessible public transportation for most people with disabilities. Further, there are no proportional penalties or incentives. If a single parking spot is worth \$5,000 in this government's eyes, then what is a step or inappropriately formatted software worth? Any and all of these elements—that is, assessment benchmarks, timelines, the creation of standards, resources, incentives, penalties for non-compliance, implementation and enforcement mechanisms, etc; I could go on and on—are customarily incorporated into legislation that is typically developed and proposed by provincial governments everywhere.

The bill does, however, establish a provincial directorate, an advisory council and municipal committees, all entities that critically lack definition in their composition, structure and membership selection. As described in the proposed bill, they all, frankly, seem to serve the minister and government of the day rather than the population they are intended to serve. As currently described in the bill, they offer no guarantee of expertise to the community at large, in my understanding the very purpose for which they were each intended. They do not necessarily bring together the various community and multi-sector stakeholders, another reason for which I understood they were presumably established in the proposed legislation. I can tell you that just throwing people in a room won't necessarily produce anything worthwhile without the

proper mandates, mechanisms, protocols, resources, accountability structures etc in place. Every existing and every previous advisory committee member in this province will vouch for this truism.

The briefs put forward by the ODA Committee—a coalition of which I am also a member and whose brief I assisted in developing, which you'll hear this afternoon—the Canadian Mental Health Association and the city of Toronto advisory committee on disability issues all address the numerous legislative amendments I would personally propose, support and endorse wholeheartedly for serious consideration by this committee should Bill 125 be changed so that it offers anything meaningful or worthwhile at all to Ontarians with disabilities.

I'd rather spend my time talking a little bit differently. I listened attentively to the legislative debates in the assembly after the introduction of Bill 125. I heard from Minister Jackson and his various party colleagues how leading-edge, revolutionary and innovative Bill 125 is considered to be. I have heard all about the promise of consultation on the development of the bill's forthcoming regs and how all-encompassing these will be. After the past six and a half years of examples of consultation, I question that. Also, our research clearly indicates otherwise. No new concepts are created in the legislation, but that isn't even the important part. In fact, what Ontarians with disabilities were hoping to see in this legislation was the amalgam of the most successful measures already undertaken in other jurisdictions, those that are tried and true, adopted for Ontario. They exist everywhere in the world. The fact is that we don't need to reinvent the wheel in order to remove and eliminate barriers of all kinds. Furthermore, I have been told that this bill constitutes a "good first step." Shouldn't legislation intended to produce barrier removal at the very least eliminate a single step if it is indeed a "good first step"? It doesn't and it isn't.

As I listened to the legislators on the leg TV network, my new favourite channel, insist how wonderful Bill 125 is, I thought about my day on that particular day, which happened to be November 19, 2001, that I had just lived through. I would like to tell you a bit about that. First, I had to find a car dealership with accessible facilities so that I could bring my vehicle for its first required Drive Clean test. The best I could do was identify a single dealership in Scarborough that could accommodate me, even though I live in downtown Toronto. I drove there and did what I had to do, and then I had to go back downtown to the MTO to renew my driver's licence, where the customer counters are still too high for wheelchair users, and where I found out I had to pay, very surprisingly, a \$228 fee above the regular cost. The \$228 fee is a result of inappropriately issued parking tags on my properly permitted vehicle. I have to go to court each time the police mistakenly ticket my vehicle. These particular tickets, of which there were three outstanding on this day, that were recorded at the ministry have yet to come up on the court docket. I have eight currently outstanding. Without paying the fines, I wasn't allowed to

renew my licence. Thank goodness Bill 125 hadn't yet passed the \$5,000 parking tag fine or I'd never be able to even drive my vehicle to court to get the parking tag cancellations taken care of.

I'll go back to the day of November 19. I then had to proceed to an eye doctor appointment. Here I encountered a host of different and interesting obstacles. The hospital, where the one eye doctor I had found some time back willing to take on wheelchair users as patients, is currently undergoing construction. My eye doctor's office is located in a right now totally inaccessible part of the hospital that is undergoing construction and renovation. Of course no one told me when the appointment was booked. Apparently no one thought that someone using a wheelchair may need to enter the hospital other than by ambulance through the emergency department, so no accessible construction plan was in evidence. The ER was indeed the only way I could enter the hospital, let alone access the appropriate elevator to get to my doctor's office. I was repeatedly directed to stairwells, in my wheelchair, by well-intentioned hospital staff. I needed to get to the sixth floor on this particular day. Finally, one kind soul figured out a way to bypass the construction sites using a series of elevators and corridors, not a direct route, and a half-hour later I did indeed successfully arrive at my doctor's office, rather exhausted.

Later, after that appointment, I had to pick up some new clothing in a department store where on this particular day the only elevator in the building was out of order and my merchandise was being held for me on the third floor. Truth be told, I gave up on this one.

By now I desperately needed a wheelchair-accessible washroom. Instead of going grocery shopping, which I had planned to do, I went home tired, defeated, demoralized. I heated up a prepared dinner in my microwave oven instead of cooking something fresh and nutritious in my completely inaccessible condo oven and I hung over a too-high counter to wash my dishes and clean up in my kitchen, while I watched my legislators on TV saying how wonderful Bill 125 is and how it will soon enable my life to be barrier-free.

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As I mentally reviewed each of the individual physical—and only physical and only mobility-related—barriers that I had personally encountered on this particular day in November 2001, I realize, after carefully studying the bill, that Bill 125 will not eliminate a single one of these barriers—not this year, not next year, not in 18 months, not in three years, in fact not in five years—not one barrier. And these are the easiest, most obvious and presumably most visible barriers that we talk about.

No, Bill 125 is not a good enough first step. I continue to feel defeated, demoralized, demeaned, isolated and frustrated, and my only solace, but also, ironically, the greater tragedy and travesty of it all, is that some 1.6 million Ontarians share the very same and so many more similar experiences with me, and there is no end in sight. Bill 125 does not put us in the "driver's seat," as has been

stated by the minister responsible. It simply keeps us limited, restricted, isolated and unable to participate in Ontario as we remain in our wheelchair and other disability seats.

The Chair: Unfortunately, there is no time for questions as you've used all your time. But on behalf of the committee, thank you very much for your presentation.

Ms Riback: A great pleasure. Thanks for hearing me.

Mr Parsons: On a point of order, Mr Chair: I would like to introduce Danielle Campo. She won three golds and one silver in swimming at the Sydney Paralympics. She has raised over \$1 million for muscular research and at age 16 is the youngest recipient of the Order of Ontario. I would like to acknowledge her presence.

Applause.

The Chair: I don't know if that's a point of order but it's certainly worth acknowledging and congratulating. Good luck in the future.

ONTARIO ASSOCIATION FOR COMMUNITY LIVING

The Chair: Our last presenter this morning is the Ontario Association for Community Living. I would ask the presenters to come forward please and state your names for the record. On behalf of the committee, welcome. You have 20 minutes for your presentation.

Mr Keith Powell: I'm Keith Powell, the executive director of the Ontario Association for Community Living. Accompanying me is my colleague Orville Endicott, in the capacity of adviser and legal counsel for the Ontario Association for Community Living.

The Acting Chair (Mr Carl DeFaria): Is Mr Endicott a former law school colleague of mine?

Mr Orville Endicott: Yes. I haven't seen you for years.

The Acting Chair: Welcome to the committee. Go ahead.

Mr Powell: We thank you for the opportunity to make this appearance and to make our presentation. We regret to advise you at the beginning of our presentation of the sudden and unfortunate passing of Rod Walsh in the past week. He was the legal counsel for the Ontario Association for Community Living. He served in that capacity for 15 years and will be very missed. His funeral was held on the weekend. His immense contribution to the field of the needs and issues of people with intellectual disabilities and people with disabilities broadly was recognized by the huge number of people who came to pay tribute to him. Certainly our paying tribute to our valued colleague exacerbated the dilemma we had in such a short period of notice to prepare for our presentation today.

In the presentations being made to the committee you are hearing concerns that this legislation, the bill as tabled, is not a good enough start. We could identify in our presentation a list of grievances, a list of steps that must be taken for this to be a significant and useful piece of legislation, but we have chosen to begin our presen-

tation by focusing on the positive. We wish to commend the ministry and the government for creating a structure and a process which can at least be built on. We commit to working with the ministry and the government to make this legislation meaningful for all people with disabilities and in particular for people with intellectual disabilities. Clearly it still needs substance and it still needs teeth.

People with intellectual disabilities are confronted with a broad range of barriers, perhaps a broader range than many other people who suffer with disabilities. They need an act which encourages not just removal of barriers related to physical access or the need for technological supports or accommodations but one which in the short and long term serves to produce attitudinal change and which provides redress for people with intellectual disabilities when they have been prevented from having rightful access and participation.

The name, "Community Living," reflects the learning of families, individuals who identify themselves as self-advocates and their friends and communities, a learning that is based on the experience of attempted participation and contribution to community. "Community Living" is an indication of the importance for people with intellectual disabilities of physical and valued participation and presence in the community. If barriers are there that prevent that participation, then the continued learning and the continued valuing of people, continued attitudinal changes which will welcome them and support them to participate in the community, will not occur.

I began by commenting that we have had a dilemma with an unreasonable time frame for the development of our presentation. People with intellectual disabilities are often misunderstood in terms of their ability to understand issues and to bring forward comments and constructive recommendations to problem-solving processes. It is critical that they be given the support and the time needed to come to having an informed awareness of issues and to preparing their own presentations and positions. The fact that this act is intended to remove barriers but nonetheless has created significant barriers for the participation of people with intellectual disabilities in even contributing to this bill is something that should not be missed. Unreasonable time frames will serve as barriers to the involvement and contribution of people with intellectual disabilities.

We would like to bring to your attention with regard to Bill 181, which provides children the right to an inclusive education here in Ontario, that we continue to hear stories of children who are being denied access to inclusive education and inclusive classes. We are very concerned that this legislation does not provide a mechanism to ensure that the legal right children have to inclusive education is no further enhanced and is no more enforceable than it was before this bill was tabled and than it will be after the act is passed.

Additionally, in relation to inclusive education, the ISAs, intensive support amounts, that are the formula used for determining funding and hence supports for children with intellectual disabilities in our school systems

are rife with demeaning terminology, and these terms and this series of descriptions and means of evaluating funding needs for children in inclusive classrooms within our educational system do in fact create further attitudinal barriers for children. Certainly, demeaning terms do not encourage a vision of people with intellectual disabilities as equal and able to make a valued contribution.

We would like to talk about the advisory councils and the accessibility directorate. Certainly the opportunity to participate in the advisory councils at the municipal and the provincial levels is an opportunity. However, it is absolutely essential that these councils be accessible for people with disabilities. It is essential that they be accessible not just in terms of physical access but that accommodations and supports be provided so that people with intellectual disabilities can contribute and participate in a meaningful way.

It is our recommendation that the municipal councils must have cross-disability representation and they must include people with intellectual disabilities. Further, we would recommend that a majority of the members of these councils comprise people with disabilities. As I've indicated, it is essential that accommodations be applied to ensure that informed participation provides benefit and outcome and recommendations for systemic change in the longer term. This, for people with intellectual disabilities, would require the provision of costs for their participation and time and support or the provision of a supporter or an adviser at and before such meetings.

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The size of the committee is not mentioned in the bill. We would support the identification in the bill that the committees include one person from each of the classes identified in section 2(1) definitions. We believe it is important that there be a person from each of the classes (a) through (d) as a minimum. Further, we would recommend that there be at least two people from what is referred to as group (a) of these definitions since this includes a very broad range of disabilities.

The terms of reference for the municipal committees we believe should be determined by the municipal committees themselves and should not be solely restricted to the provisions of the act, which means to functions that have been determined by political creators. We believe that municipalities, in response and in support of these committees, have an obligation to invite all disability organizations in the municipalities to nominate representatives to participate in the committee and to put forward names.

We believe that municipalities in support of these committees have an obligation to report to the citizens of those committees the work and the recommendations and the findings of those committees. We believe that municipalities should report those recommendations publicly, through local media and through electronic media, and that accessibility plans, as identified and developed by those working committees, should be made public and opportunity should be provided for public input and debate.

I would like to ask my colleague Orville Endicott to proceed with the remainder of our presentation.

Mr Endicott: Thank you, Keith, and members. I'm going to speak briefly about OACL's perception and approval of the recommendations that have been or will be placed before you by the ODA Committee. I'm not sure whether you've seen them yet. They are very extensive, and I'm certainly not going to try to comment on any but a few of them. OACL is a member of the ODA Committee and has been for some years, and we certainly have had input over the process which has brought us to where we are today.

I feel particularly proud of the ODA Committee for being as constructive as it is about this bill. They have recognized the strength and the potential for strength in it rather than trashing it and trying to write a whole new bill. They have persisted with the requests they have made all along for the bill to be strong and effective but they have, as I say, made use of the bill as tabled in the Legislature. I commend them for that. It was a very constructive approach.

Keith has spoken about the importance of the councils or committees, whatever they end up being called, both at the provincial level and municipally. One of the things the ODA Committee does recommend—by the way, in our brief we make reference to the recommendations of the ODA Committee. With my luck, they will have revised their brief before they present this afternoon and some of those numbers may not jibe with what you see, but you'll be able to find the ones we are particularly interested in in any case. But one of the things we certainly believe the ODA Committee is right about is that these committees ought to be more than advisory. They ought to have a role that gives some control, some authority to the positions that they take.

As representatives of an organization that is committed to the rights and well-being of persons with mental disability, we are concerned that the weight of the bill is disproportionately on the issues of physical access to buildings. While we certainly don't argue with that or think it should be diminished in any way, we believe it is your responsibility as a legislative committee to look at this bill carefully to see if that balance can be redressed and other types of disabilities and barriers have the prominence they deserve.

One of the things that concerns us constantly is that the general public sees the issue of disability in terms of "them" as opposed to "us" in so many ways. There is a risk that bringing in legislation of this kind can in some ways reinforce that perception rather than remove it, because it is in itself a barrier and a source of other barriers.

The definition of "barrier" in the bill as tabled makes specific reference to something that would not be a barrier for other people. I don't think it's necessary and the ODA Committee has made a recommendation that should not be part of the bill.

We are very concerned, as I'm sure other presenters have been, including the person who spoke before us,

about the issue of which organizations in the province will be bound by the requirements of the ODA. As a voluntary, private sector organization, OACL and its affiliated local associations would feel cheated if we were not told, "you have to do this too," not just government and government-funded organizations.

I believe we ought to allow some time for questions.

The Acting Chair: Thank you, gentlemen. We have approximately two minutes per caucus.

Mr O'Toole: Thank you very much for your presentation this morning. I certainly acknowledge the important work the association does, I'm certain, in most ridings. I know they had important input with Minister Flaherty during the last budget and I'm sure you're quite aware of that. It certainly paid some dividend for people in community living situations in my own riding. I appreciate your advocacy. I believe the government listens, and there's never an end: the demands perhaps are greater than the supply, as you understand. But I think an acknowledgement is very important.

There are two points I want to make, if time permits. One is to recognize and perhaps ask for your response on the definition of "barrier" in subsection 2(1) and whether it's an offensive expression the way it's framed. As I've been educated, even attitudinally in this process, I find that the word "barrier" is like a code word for the world. It's not the step, it's the world—it's attitude, it's functionality, it's just not understanding, period. I know it tries to address both the intellectual as well as the physical and attitudinal barriers, but perhaps you could give me a response.

I have some experience, having served as chair of a special-ed advisory committee, and I've seen the great relationship between the advocacy role as well as the ongoing role of providers and consumers being engaged in that. Since 1980, when I was a trustee, to today, and having members of my family involved both in providing the service as well as receiving the service, I think the most important change was the inclusiveness model as opposed to the segregated model. It's very important for all the reasons we've said, attitudinal probably being the biggest barrier of all.

I think the ISA funding model is a bit minutiae in the red tape part of it. I think the minister responded in the House yesterday: once somebody has been defined as needing certain supports or services, they shouldn't have to go through the rigorous ritual all the time of re-legitimizing that process. That could be simplified. I've heard you about the appointments to the disability advisory council. I'm sure that will be another challenge for the minister, to recognize the diversity of voices and presence that need to be there.

I would be interested in your response to the "barrier" definition and perhaps, if you wish, to how the Ministry of Education, because the demands in ISA funding are just unbelievable, not that they're not needed but they are quite—we will have to respond to it at some time. It's not just in classrooms. It's the whole inclusiveness model.

It's the activities, it's the field trips. If you have any response that would be helpful, I'd appreciate it.

1210

Mr Powell: I would ask Orville perhaps to comment on the definition issue after I respond. I'll try to be very brief, given the time.

Experience and best practice models of inclusive education show that when an environment is created in the classroom where a child with an intellectual disability is treated as an equal, and is supported not just by a special teacher's aide in the classroom but by the entire class, the educational outcomes for that individual are higher than they would be in other circumstances, and most importantly, the educational outcomes for the remainder of the class are just as high as they would be if the child was not present, or are higher.

What this tells us is that there is not a price to be paid in terms of educational outcomes for inclusive classrooms. Further, it creates an awareness of citizenship and inclusion, which you were referring to, that our generation unfortunately has been deprived of, because people with intellectual disabilities were not present in our communities and were not given the opportunity to make valued social contributions. That's why this legislation has huge opportunity within it to create those opportunities and remove those barriers. It will transform the collective ability of our society to include people without the costs of paying direct specialized support workers to do as much of that in a remedial way.

In terms of the definition, Orville, would you like to comment?

Mr Endicott: On the issue of "barrier" definition, I made the point earlier that I think it's extremely important that the comparison factor be removed from that definition. The ODA Committee, if you haven't already seen it, will be offering an alternative definition. I'm not going to read it all, but it begins this way, "'Barrier' means anything that prevents a person from fully participating in all aspects of society because of his or her disability." Then it goes on to identify particular things that may do that, including not only physical or architectural barriers, but information, communication, attitudinal, policy and practice. Policy and practice is included in the bill and that's important. It would have been a terrible omission if that had not been in there.

Mr Smitherman: I want to say that the Toronto Association for Community Living is one of those organizations that provides me with a very strong sense of excitement and honour when I go to their events and have an opportunity to participate with them.

I very much found your presentation helpful. I want to focus in on a contrast, which is that the thing I liked the most about it was when you spoke about the rushed nature of it, the fact that that has forced you, in terms of bringing forward your presentation—I think you're sensitive to this and that's why I want to focus on it—to the fact there's a real danger that we're paternalistic in the work that you do and, frankly, in the work that I do,

speaking on behalf of communities whose voice is too often muted.

I found it very interesting that some of the groups that have presented to these hearings on behalf of, as the voice for, disabled people, do so and yet when I hear disabled people speaking, they are almost always much harder on this bill. I'd like you maybe to give a glimpse of your organization's consideration of this bill from that standpoint. Is this more of a trend toward able-bodied people who don't have any disability whatsoever speaking on behalf of those who do have disabilities but who are nevertheless, as we found out, especially today, more than able to speak well for themselves?

I realize it's a lengthy preface, but how does the bill get at that, in your opinion?

Mr Powell: I think with the recommendations we made about the, I'll perhaps use the word "mandatory," participation of people with the type of disabilities that would often mean they cannot easily, or not without accommodation and support, speak for themselves, the mandatory participation and voice they would have on councils and committees is one of the ways to address that.

If our society is not accustomed to accommodating and welcoming the voice of people whose voices are muted, that won't change until we require that it change. That's one of the reasons we're being so firm on that particular issue. When we experience the contribution of people with intellectual disabilities, our attitudes change because we find it is a valuable one.

Mr Endicott: May I add to that? I think the member's question is a very important one. I think both Keith and I experience some embarrassment that we are here speaking for, rather than having at least one person with us who could speak on behalf of the community of which he or she would be a part. Ordinarily we do that. Circumstances simply made it impossible for us to do that because we didn't know we were going to be here until late on Monday afternoon. The bill is complex. It's taken us all the time we could devote to it to come to the understanding of it that we have and to make the recommendations about it that we have made.

Mr Martin: Following on that, I appreciate that the Ontario Association for Community Living makes an effort to include the people they serve. I know that from my own community of Sault Ste Marie you have Dave Ready down here—at least he used to come down; I'm not sure if he's still on the board or not, but he was. He would phone me on a regular basis at home to fill me in on what was going on. He was a very articulate, knowledgeable and concerned individual on behalf of his friends.

Mr Endicott: David Kunkel was another one from your riding who participated.

Mr Martin: Yes, that's right. I want to follow up on the theme of Mr Smitherman. You've come saying the bill is a good first step. The presenter before you, who is living with a disability, suggests that Bill 125 is not a good enough first step—this is Carole Riback—and she

says she continues to feel defeated, demoralized, demeaned, isolated and frustrated, and that Bill 125 does not put her or any of her colleagues in the driver's seat. How do you square that circle or circle that square or whatever it is?

Mr Endicott: She's absolutely right. If we said it's a good first step, the key qualifier that you said she used is that it's not a good enough first step. But we've been convinced, in my reading at least of the ODA Committee's recommendations, that they were wise in saying, "Let's use this first step to make progress." As I said earlier in my remarks, they have built on the bill we've got rather than saying, "Throw it out," which, as you can remember, two or three years ago had to be said about what was then called Bill 83.

Mr Martin: There is a question I would have asked her, and I'll ask you. I don't presume for a second that you'll be able to speak on her behalf, but having listened to her—and I know you did; you were here when she spoke—I would have asked her should we in fact throw this bill out because it is no good, from her perspective, and start over. What do you think she would have said?

Mr Endicott: I think she would have said yes, throw it out unless you can make the improvements it needs.

Mr Martin: A very political answer.

The Acting Chair: Thank you, gentlemen. This completes the hearings this morning and the committee will recess until 4 o'clock this afternoon.

The committee recessed from 1219 to 1604.

ONTARIANS WITH DISABILITIES ACT COMMITTEE

The Chair: Our first presentation this afternoon is from the Ontarians with Disabilities Act Committee. I would ask the presenter 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 David Lepofsky: My name is David Lepofsky. I am chair of the Ontarians with Disabilities Act Committee. With me to my left is Carole Riback, from whom you heard this morning, and further to my left—and that's not a political comment—is Kathryn Bremner, whom you'll be hearing from this afternoon. They are both members of the ODA Committee, active supporters of this movement and role models to all who have been seeking to tackle the barriers facing people with disabilities.

The Ontarians with Disabilities Act Committee is a voluntary, non-partisan coalition of over 100 disability community organizations and many individuals, both those who have a disability now and those who will have one later. We've come together to advocate for the enactment of a strong and effective Ontarians with Disabilities Act.

Our goal is a barrier-free province for all 1.6 million Ontarians with disabilities. We are organized in 23 regions of the province. We bear no allegiance to any

political party. We've offered, and continue to offer, to work with all and to work together to achieve our goals.

We have led the charge for this legislation since we formed in this building a few days over seven years ago. In coming together, we have brought the issue to the three political parties and solicited the now famous promise from Premier Harris on May 24, 1995, that the Ontarians with Disabilities Act would be enacted in the government's first term. Through consultation with our membership, we devised the 11 principles for the Ontarians with Disabilities Act that all your parties adopted unanimously three years ago, as have many city councils. Through further consultations, we developed a detailed blueprint for the Ontarians with Disabilities Act which we shared with the government and the opposition three and a half years ago and which we've been eager to see translated into legislation.

We view that our role is to provide positive proposals and to provide all parties with a road map that will get them, and all of us, to where we seek to arrive.

You will find from the government's 1998 consultations on the Ontarians with Disabilities Act that the disability community around the province, of their own accord, rallied around our blueprint and our 11 principles. You are hearing at these hearings voices from around the province who are rallying around the substance and the core focus of the amendments that we've placed before you in our brief.

Before I turn to the amendments that we wish to place before you, and the need for them, I need to speak only briefly about these hearings themselves. We've led the charge for public hearings and are delighted that there are public hearings, but in the name of those who cannot be here because of the way these hearings are being conducted, it is necessary that a barrier that has been created in this process be highlighted. The fact of the matter is that we advised the government months ago that people with disabilities cannot be asked to appear at hearings on one day's notice. Given the impediments to getting accessible public transit in this province, you just can't do it. In fact, and despite that advice, these hearings were scheduled, with people getting but days' notice that they were happening, where they were happening and, in some cases, only 24 hours' notice that they were invited to present. That is a barrier. That is a huge barrier. That is, forgive me, a cruel barrier.

Whatever be the outcome of these proceedings, this hearing process will leave an indelible stain on the face of this legislation. And I hasten to add that the barrier about which I'm speaking, which relates to the core of our democratic process, is a barrier which this bill, if enacted, would not require to be removed.

If I may turn to the substance of the legislation that is before the committee, I want to begin with what I believe to be common ground. From reading the speeches within the House, it is now undoubted and undisputed between the parties who are members of this Legislature that people with disabilities face far too many barriers—physical, technological, attitudinal and so on—in their daily

lives and that this is wrong; that it's bad for Ontario; that we need to remove them; that we need to prevent new ones; and that doing so is good for all Ontario, for people with disabilities, for business, for government, for the taxpayer, for everybody.

The only real question is, how do we do it? There is even then an agreement among all now, an agreement with our message as the ODA Committee, and that is the message that it must be done through strong and effective legislation. In turning and looking at this legislation, I ask the committee a question. If a law had been tried, if we'd tried through legislation, let's say for five years, and it wasn't good enough, do you think that would be time to fix it? Well, the government thinks so. They've proposed a five-year review. What about 10 or 20 years? Surely it's long overdue.

1610

The fact is that we've had the Charter of Rights and Freedoms and the Human Rights Code in this province, enforceably guaranteeing equality rights and human rights for people with disabilities, including provisions that address the kinds of barriers we suffered from, for 20 years. We don't need to wait any longer. We don't need to wait another five years to know that we need a law with more effective enforcement than we have now. We don't need to try a law that doesn't have effective enforcement, and just see if we'll learn something new that we haven't learned in 20 years.

Similarly, if you've tried a policy for six and a half years and it hasn't solved your problem, it hasn't made significant progress, I ask the committee, isn't that long enough? We've tried a policy in Ontario. The government tried a strategy of voluntary measures. The government tried a policy of "leading by example"—the government's words. The government tried a strategy of cleaning its own house first. We've tried it; it hasn't worked. We need something better.

For purposes of turning to the bill, it's important for me to emphasize why the amendments must be made now and not, as some committee members have posed in questions, some time later. We need to make those amendments now because we've already lost too much.

A child born on May 24, 1995, when Premier Harris wrote us with his pledge, is now school-age and has lost out on the opportunity of having accessible child care, probably in his or her own community, and having those opportunities improved by strong and effective legislation.

A person who was a teenager on May 24, 1995, has now lost out on the opportunity of having theatres and restaurants and coffee shops in their community become more accessible so they could enjoy the social life, the dating, the socializing that their peers have. Their teenage years are over. We can't give them back.

A person entering senior citizenship on May 24, 1995, if they're still with us now, their abilities have waned. The golden years of their life could have been blessed with more opportunity than we're giving them because of the delay in having this legislation happen.

We can't wait any longer. We need the amendments to make this law strong and effective.

I wish to turn to specific proposals for amendments. Given our 30 pages of amendments—only lawyers could write 30 pages and call it a brief—I'd like to focus on amendments that derive from one very important theme. Where we can show you that there are things that aren't in this bill that the government says should be there, surely you should amend it to put them there. In appendix 1F to our brief—copies available for members of the public present—we have documented a range of areas where the government, through the mouth of the citizenship minister or others, has stated that there are certain things in this bill which on our analysis are simply not there. We ask, above all else, that you amend the bill to put them there. We've offered you a focus on how to do that. Allow me to give some examples.

First, the government has stated that the purpose of this bill, indeed its core vision statement, is the achievement of a barrier-free Ontario. It has said that's the purpose of the bill. Unfortunately, that's not what the bill says. The bill merely says that the goal of the bill is to improve opportunities. Well, if you put three ramps down in three of the venues Carole Riback spoke about that she encountered in one day, you've improved opportunities. The bill's goal has been met. That's far too little. Amend the bill to make it have the purpose that Minister Jackson says is the government's objective.

Second, the minister has said that in this bill, people with disabilities, the disabled community, will be put in the driver's seat to drive change. Speaking personally for a moment, there is no one more eager than me to experience what it's like in that driver's seat. And I promise when I'm there, I will not park in a disabled parking spot, if I can read the sign. However, the fact of the matter is the bill does not, as the minister has urged it should or said it would, give people with disabilities input in setting standards; give people with disabilities a right of input in the making of regulations; require consultations with the disability community for establishing time frames.

Indeed, it does not ensure people with disabilities, either the community or the advisory council, the opportunity or the ensured entitlement to monitor implementation or have input to any of the barrier-free plans required under the legislation. It doesn't say that; the minister says he wants it to. We agree. Amend it. Put it in there. There's nothing to debate. It is the government's policy. Let's make sure the bill conforms with that policy.

The government says, and the minister has said in the House and in the media—you have the quotations and the citations before you—that in this bill organizations will be required not only to develop barrier-free plans—we prefer to call them that rather than accessibility plans—but also to implement them. Compliance will be required, and the government will enforce it.

Right now, the bill doesn't say that. We say it should. We say amend it so that the provisions for the barrier-free plans provide that not only do organizations,

ministries, municipalities and so on have to make the plan, they've got to make a comprehensive plan and they've got to implement it. We say either amend the bill to provide a mechanism for enforcement—and we've proposed one to the Ontario Human Rights Commission; not our first choice, but working within the framework of the bill, that's where we say we should go—or, alternatively, make it clear in the regulation-making provisions that there is the power to make regulations defining enforcement procedures.

If I could go back to the disability community having input, it's not enough to just say we can be asked. Folks, we've been asked on any number of issues. The point is, we may not have been asked enough, we may not have given enough time, but we need something more than being asked; we need a requirement that somebody listen. And at the very least, we propose provisions akin to those in the Securities Act for the Ontario Securities Commission—it's good for them; it's good for us—which require that when we make proposals, the government has to give an answer, and they don't necessarily have to agree, but at least give us an answer within certain timelines, and that if the government's going to put forward proposals, they be posted for an opportunity for us to have input, in writing or in person.

Because of the limitations of time, I'm not going to take you through all the different changes that are needed to bring the bill into compliance with the government's statements, but there is just a bit more that I think is worthy of comment.

The government has said that under this bill, no new barriers will be created with tax dollars. As I say those words, who could disagree with such a goal? Unfortunately, the bill doesn't say that. It talks about the government "having regard to" accessibility, "considering" accessibility; it doesn't say it "has to do" accessibility. We say amend the bill to comply with what Minister Jackson said in the House, with what undoubtedly would be beyond dispute, whatever we might otherwise have differing views on among people in this room.

Beyond the amendments that we have proposed that are tied to Mr Jackson's and the government's words, we propose a series of other amendments to make sure this bill has real force and effect. I can't list priorities, but I can give examples.

Number one, a lot of this bill has been delegated to the cabinet in the form of making regulations. A number of members of the committee from the government side have asked opponents to have faith, that even if you're not happy with the bill, you'll be happy with the regulations. Let me suggest, with respect, that after the six-and-a-half-year battle we've gone through to get a law passed now, or brought forward now, that was supposed to be passed in the first term of the government, at the very least you can understand why people with disabilities might be a little hesitant.

What's the solution? We've offered it: put time targets or time deadlines in the bill by which regulations have to be made. If the government is as committed as we are

told they are to get those regulations going, to hear from people with disabilities and to pass them to make this law happen and to make it work, put those timelines into the bill; make it the law that those timelines have to be met.

1620

Let me take just a minute to respond to some other themes that have come up at the hearings that I think we need to address. Stated briefly, people have been asked at these hearings whether this bill, unamended, is better than nothing at all. We say it is a tragedy to even ask that question. After six and a half years, after such broad recognition of the barriers we face, after 20 years of trying other strategies, surely we can do better than to debate whether something should be passed, ie, whether it's slightly better than nothing.

Two years ago, this House unanimously resolved that an Ontarians with Disabilities Act be passed that is strong and effective. Make the bill strong and effective. Let's not have to debate whether it's nothing or near nothing.

Similarly, we've heard it said that this bill, with its flaws, is the best there is in Canada. With respect, it's just not true. What's offered as new in this bill, what's proposed as leading edge, either exists in other provinces, in some cases, or existed in this province until the government abolished it—namely, the provincial advisory council, which the current government abolished three months after taking office—or is less than is provided in other jurisdictions such as the federal regulatory activity in the area of removal of barriers facing people with disabilities.

Let me conclude. Let me suggest that we have reached a critical crossroads here. You've heard extraordinary stories from people, here and in other cities, about the barriers they face that this bill will not address. Our coalition has been hearing those for six and a half or seven years. They tear at you. They hurt. People are hurting.

Here is a chance, in a spirit of non-partisanship, to take the message you've heard so unanimously from so many different voices and not debate whether it's a good first step, but simply debate whether it's a good step; not to debate whether this law does something more than nothing, but to be able to agree among all of us that it's strong and effective.

There is a cliché that justice is blind. It is said that justice is supposed to strive to experience blindness. We say that if justices had the opportunity to experience blindness, let's pass a strong and effective disabilities act so that blind people and indeed all people with disabilities have the same opportunity to experience justice.

The Chair: We have a minute per caucus, and I'll start with the official opposition.

Mr Parsons: The format of the hearings has proven to be very difficult, for a number of reasons, but I continue to get calls, as you had mentioned, about people unable to access within the time frame. But on the other hand, I have a sense that the ODA Committee has in a way been holding the public hearings for the last six and a half years, and what you brought to us today is not your

opinion as much as an opinion of I don't know how many individuals, how many groups. I personally find it tremendously beneficial.

I guess I don't have a question as much as an appreciation for—am I fair to say?—hundreds of people who have been involved over the last six years to bring this together. I don't mean it to be flippant, but the difficulty we're dealing with with the bill is a hearing problem. The government is not hearing what the persons with disabilities are saying. Well, thank you for coming and saying it.

Mr Martin: Thank you very much, Mr Lepofsky, for not only coming today but for the work that you've done over such a long period of time to keep our feet to the fire on this issue so that we could in fact be here today, however challenging being here today is.

I hear you loud and clear and admire your continual state of optimism and tenacity on this. You're convinced, I believe, by what you've said, that the government will by Tuesday do the right thing and actually enshrine what the minister has said in the House he wants to do with this bill. I don't think there's any doubt in anybody's mind around this table about what's called for if the bill is going to be effective. It has to have some method of enforcement, there have to be some timelines, it has to cover the private sector and there has to be some resources attached to it. Those are some of the key things that we've heard.

The question I have for you is, what if on Tuesday we find out that in fact this isn't a bill that we can all applaud and support and claim victory for? Do we then abort?

Mr Lepofsky: There are different opinions in the community on that. The most I can say is this: it is cruel to be given that choice. If somebody's in a car crash and is terribly ill, and they're found at roadside and they're told, "Sorry, we can't really treat you. Would you like Tylenol or would you like Advil?" that's not fair. It's a choice that people with disabilities in this province do not deserve.

I will only say this: the message I have been hearing from all over the province and that we have been hearing from all over the province from people who have been involved with this issue recently and for a long time is that this issue is not going away. It's not going to stop. It's not going to end. People know what they need, and they're going to keep working on it until they get there. All I can say is I'm one of them; so is the ODA Committee; so are my colleagues here; so are the people in this room; and so are people all around the province.

Mr Hardeman: I want to compliment you on all the hard work you've been doing in the time I've been here at Queen's Park. I suppose I know you almost as well as I do my colleagues. I see you here almost as often.

Mr Lepofsky: You treat me better, though.

Mr Hardeman: Because you're working on behalf of the cause of the ODA and the people you represent.

A couple of clarifications: on the "duty to comply," and the "have regard to," and the fact that the words "shall ensure that the design of buildings"—in the act

there is both; in fact, that the government shall ensure that these requirements are met if it's a building they own, or if a building they own is going to be extensively renovated. "Have regard to" is based on if they're going to lease space and, of course, they're talking to the landlord; they shall have regard to what is required.

I guess my concern is with making that mandatory too. I come from rural Ontario. If a facility is needed, and it's going to be leased, if the choice is not having the government service or having it done properly, I think the government should have regard to getting the best facility they can under the circumstances. I just wanted to point that out.

The other thing I'd just like to ask you, if I could, sir—if timelines in terms of implementing were in, as you suggested in your amendments, what type of timelines would you see as appropriate to work toward those goals?

Mr Lepofsky: Let me deal with the second part first. With respect to timelines, our brief proposes that two be put in the bill. Minister Jackson was asked on CBC Radio, three weeks ago, how long it would take, what timelines he saw. He said the Ontario government should be able to be in compliance in four or five years. Let's take him at that. We propose you put in this bill that, beyond anything else, the Ontario government must achieve this goal within five years. Put that in the act. The minister said it; we can live with it; let's do it. Similarly, we propose that this Legislature, which has been so full of barriers, and continues to be so, let's put in there five years for it. For the other timelines, we propose regulations be made to fix the timelines, but we propose a time frame within which those regulations have to be made. In other words, the government has said that the regulations could set timelines. We're not objecting to that, as long as we don't have to wait six years to find out when the timelines begin. Let's have a period of time fixed in the regulations—and you'll see them in our amendments—for when certain kinds of regulations can be made, including timelines.

Let me just answer very briefly, because I know our time's up. With respect to the question of "have regard to," and so on, first, let's be frank here. The provisions regarding buildings talk about new government buildings. How many new buildings is the government going to be buying or building in the next little while, given our financial situation? Renovations—maybe some more, but still, that's not the core piece. The core piece, in terms of the "no new barriers," is capital expenditures, purchasing goods and services, grants. Billions are spent per year, according to your colleagues who have spoken in the House on this bill. Just require no new barriers on those. You suggested that maybe there may be exceptional situations where you can't do it at all. So you could say, "There shall be no new barriers, except where there's compelling justification" or "except where a showing can be made of undue hardship," or something to that effect, instead of having this open-ended requirement, as it is in

the bill now, which is simply "have regard" which, frankly, guarantees us nothing.

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

1630

MARCH OF DIMES

The Chair: Our next presentation this afternoon is from the March of Dimes. I would ask the presenter or presenters to please come forward and state your name for the record. On behalf of the committee, welcome.

Mr Duncan Read: Thank you, Mr Chairman. My name is Duncan Read, and for the record the spelling of that is r-e-a-d. On the schedule of listed guests I see the spelling that is more traditional to members of this House of r-i-e-d has been used, but it is r-e-a-d.

On my left is Mr Paul Raina, who is the manager of government and corporate relations for the Ontario March of Dimes.

Mr Chair, if it is permissible to you, rather than simply read the brief, which I understand has been distributed to you, I intend to talk very briefly to some of the sections that are in the brief to hopefully leave us, hopefully, some more time for questions.

The Chair: It's your call.

Mr Read: Thank you. Mr Chairman and members of the committee, I want to thank you for the opportunity to have the Ontario March of Dimes appear before you.

This is the 50th year of the Ontario March of Dimes, which for that half-century has been strongly working with persons with disabilities simply on the belief that, given the opportunity, all people who have disabilities can and will be active participants in society as barriers are removed from society to allow them to be effective members. We believe that governments have a responsibility to lead the fight to make the province barrier-free. Over those years we've had a track record of effective service and issue advocacy in over 100 communities across the province.

We believe that this legislation is a good first step. We see it as a good first step because it places everything that happens in Ontario under the disability lens. We believe this lens can most effectively be brought into focus through the proposed accessibility advisory councils at the local levels and the accessibility advisory council here at the provincial level.

Specifically, we have a number of concerns. The first of those is with relation to government building structures and premises. We simply believe that the guidelines should "ensure" rather than "promote." We recognize that legislative drafters might be able to come up with better language but we want something stronger than simply "promote."

We believe that the 1992 building code standards of accessibility are not good enough. We believe that in the Canadian Standards Association guidelines there are better and more effective standards, and some better ways of

referencing that into the legislation we believe would be appropriate.

We believe, in terms of government leases and services—this being section 7—that the standard of “undue hardship” used in the Human Rights Code definition is the higher standard and should be the one that should be applied. We believe it’s fairly easy to amend the legislation.

We believe that, yes, there should be proposed timelines for the removal and prevention of barriers. We believe significantly that the accessibility advisory committees at the municipal level should have a majority of members who are people with disabilities and we believe the act should specifically be amended to say that, because it helps.

We believe that the committee structure is one of the engines that will bring the disabled community into the effective movement to make Ontario fully barrier-free and we believe this legislation needs that in place to make it guarantee that at the municipal level the disabled community will have an effective voice as a part of that committee.

We believe that probably the most significant sections—and my friend Mr Raina will correct me if I miss anything as I go through this—relate to school boards being required to create an accessibility advisory committee. I know that in his former life Mr O’Toole was a school trustee and knows about some of these things. I can also testify from personal experience that had such committees been around when I was a child, my mother, in looking after a disabled child, would have been a very strong, active and effective member of such a committee. My disability is as old as the Ontario March of Dimes; I’m an old polio, for the record.

The most important part of this piece as far as we’re concerned—there are two last pieces—is section 19 of the act, which deals with the accessibility advisory council. We believe the phrase in section 19(4) that says, “At the direction of the Minister, the Council shall” do such-and-such, should be eliminated. We suggest language that simply says, “The council shall advise the minister.” If the council is going to be an effective operating body, it shouldn’t have to wait for the minister to tell it what it should look at. It should make some recommendations to advise the minister. We would like to see clause 19(4)(d) of the act amended to put in the words “in all economic sectors.” In other words, we would like to see this expanded to the entire economy over time.

We also believe quite strongly that the council should—and this may be a bit new and not acceptable to the government—advise the minister on all recommendations relating to disability in Ontario that he or she wishes to take to the Lieutenant Governor in Council before it goes to the Lieutenant Governor in Council, again to make sure everything goes through the disability lens.

We believe that there should be a legislated guarantee that the annual report that the council presents to the minister be tabled to the Legislature; that it cannot just be a body that advises the minister and is never heard from

again; that at least the operations of the council should be given whatever full scrutiny the Legislature will be able to give it, and through the Legislature the province.

Finally, we also believe that under section 22 there needs to some certain initial regulations, which would disappear very quickly over time, that say the local committees should be required within, we suggest, eight months—there’s no magic in eight months, it could be six months, could be nine months—from the date of the proclamation of the act to be up and running and functional very quickly.

We also believe that, yes, the advisory committee should develop some guidelines in terms of private sector participation in the act, but that the act should spell out, perhaps, an intent that they have three years to develop those guidelines.

The last point is simply to refer—if I may, briefly—to section 27 of the act, which talks about amendments to the Legislative Assembly Act. We heard the last speaker who sat here before me talk about barriers in terms of this House and the governance proceedings and the difficulties of the disabled. I can tell you of a conversation that I had the first time I ventured in to sit in the public galleries upstairs. As the attendant—he was an attendant in those days, not a security officer—who was there helped me out of the gallery, he said, “You know, we have to fix those things soon. It’s not fair for the public who want to come into this building who are in the shape you’re in. It’s not fair. We have to do something to fix those things soon.” I note that the galleries haven’t been changed. That conversation took place in 1964 and there are a whole host of people who have not been able to access this building the way they should. Surely this building has got to be the most important building that the Ontario government operates. There need to be some fixed guidelines. We suggest in our recommendations that this building, at least, be made accessible to all of the population.

Those are our comments.

1640

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

Mr Martin: Thank you very much for coming today and for such a thorough analysis of this piece of legislation.

Just a couple of questions: I’m interested in your comment that the councils should be to advise the minister as opposed to perhaps the other way around; I’m not sure. Why were you focusing on that so readily and why is that so important to you?

Mr Read: We believe that the council is the vehicle that is going to help make Ontario barrier-free. If the council works effectively, the disabled community will have a strong voice that will be able to say to the minister, “We have reached out and we have talked with the disabled community and these are the specific recommendations we think you should make in terms of regulations to implement what the legislation is supposed to be.” We see it as the fundamental way that progress is

going to be made in terms of attitude change, rather than the minister saying, “I want you to go off and study X or Y or what we can do to make Ontario barrier-free in this industry or that industry.”

Mr Paul Raina: It may be more semantics, but it’s to imply that the advisory council has some independence: that they’re not simply sitting there waiting for the minister to give them direction on what they should go and think about; that they have the initiative to examine issues, to look at specific sectors or areas and come back to the minister, and ultimately the government, with a report on recommendations.

Mr O’Toole: Thank you very much, Duncan. It’s a pleasure to see you again. I know how hard you work in advocating and educating people like myself and others in the community. I commend you for that and for your presentation here today.

I just want to pick up on a couple of points that you made. I do commend you. I think that the compliance factor is certainly—the language does vary throughout from “shall” to “will have regard.” I think there are some words here in buildings and access where the word “shall” is strongly pronounced, but I’ll leave that for the drafters. You being, I believe, a lawyer would probably know that those words have significant meaning.

With respect to accessibility, I just want to put on the record here that subsection 19(2) says, “A majority of the members of the council shall be persons with disabilities.” Some have said, “Who’s on there and what are they doing? What’s their role?” I think that’s absolutely appropriate and I support that. I think due diligence will see—it may become an issue because of how large the council is and the various variety of groups. In subsection (4) it says, “At the direction of the minister”—that’s a word too—“the council shall advise the minister on”—and there are about five sections in that subsection. But it does empower them to report on such things as employment and access. So it’s broadly defined. But more importantly, in subsection (5) it says, “The council shall give the minister an annual report on its activities and whatever other reports that the minister requests.” So there is a defined profile at the table to report. If there’s any way to strengthen that section, since you’ve pointed it out, would you respond in that respect as well?

I do just take note, in concluding, that this is not a new issue. You mentioned 1964. There have been lots of different governments. I appreciate the fact that it is a first step and a framework and we do want to get it right, at least that step. So maybe you could respond to section 19 or any other response.

Mr Read: It’s always a pleasure to respond to you, sir. I don’t know whether I can do it succinctly but I’ll try.

There are two fundamental concerns. One is our specific request in terms of the advisory committee as being people with disabilities. We were wanting to make sure the legislation said that for the municipal committees as well. That was a specific concern. We didn’t want the

council of Durham region saying, “Three people, one of whom is disabled,” that kind of thing.

The fundamental concern with the advisory committees is that, yes, section 19—and Mr Raina may want to add very quickly to it—the way it’s presently constituted, talks about the minister directing the council to do certain things. What we’re also trying to say is that we think the council should be able to respond to certain things, and by removing that phrase, “at the direction of the minister,” the council “shall” have the ability to respond.

The other part of the piece, very quickly, is that we believe it’s important in terms of a statement of public trust that it be a statutory requirement that the annual report of the council be tabled in the Legislature so the disability community can at least have access to an annual report, that it won’t be something that a minister may simply decide, for whatever reason, he or she can sit on and bury. Everybody knows that this province will have a new Premier after March—

The Chair: With that, I have to bring it to an end because I have to go to the official opposition.

Mr Read: I appreciate that.

Mr Smitherman: We’re trying to forget about that thing till March, Duncan. Those guys start to fight among themselves.

I want to ask you a two-part question. The first is that I’d like to know how your organization can reconcile its acceptance of the “a good first step” language set against the resolution of this House and the presentation of David Lepofsky, who preceded you, and the words “strong and effective.” I’m anxious to know the extent to which March of Dimes involves its 10,000 clients in this, because I’ve seen something quite startling through the time that I’ve been involved in these hearings, and that is there is a very big difference between those organizations which receive government funding, and often have administrative folks who are here to speak for them, and others who are disabled. I’m anxious to know about that from the perspective of the Ontario March of Dimes.

The second part is with respect to the disability lens that you refer to in your presentation, that it places everything that is in provincial and municipal jurisdiction under that lens. Could you speak to the extent to which you were, as someone who has confronted barriers for a long time, disappointed by the limitation that the private sector, which is a pretty significant part of everybody’s daily lives, is in fact hardly addressed here at all?

Mr Read: I will try, because part of the question you’re asking asks for really more of a personal response than an organizational response. Let me try and do it this way. I believe that this legislation is a positive first step. Yes, I have experienced barriers all over the place in terms of access to buildings, places like the chamber upstairs that I can no longer get into, airplanes I can’t get on, jobs that I have not been hired for because I have sat down at the table for the interview and have actually in fact been hired for the job and, when we have got up from the table and moved away, have suddenly been told,

“Oops, sorry, that job was filled yesterday. I don’t know where my head was. You can’t have the job,” when they see the way I walk. Fundamentally, this legislation is only a positive step toward changing some attitudes in terms of society.

Two very quick points and then I will let Mr Raina, if there’s time, say something. For whatever it’s worth, I personally, sir, would not be here—I’m a volunteer with the March of Dimes. I have no vested interest in protecting Dimes funding or anything like that. I believe this is a piece of legislation that can be built upon to improve things.

I guess I’ll conclude it, sir, by reminding you very quickly that a long time ago—I suspect it was before you were born—there was a wonderful television program that I saw as a child in the time of the Cold War crisis between a couple of Liberals, a chap named Adlai Stevenson and a chap named Lester Pearson. It was a program called Close-Up on the CBC. As the program was ending, the announcer played a very dirty trick on them, the two of them I think, and said, “OK, one last question. A one-word answer: Better dead than red or better red than dead?” I’ve always admired Mr Pearson’s answer when he said, “I would rather be red than dead, because I at least have a chance to make some changes.” That’s kind of the spirit that has me here. For what’s it’s worth, I personally would not be here if I thought we were doing it because we were beholden to any kind of concern because we were getting government funding. That’s the philosophy, that’s the spirit that brings me here.

The Chair: With that, I have to bring the discussion to an end, as we’ve run out of time. On behalf of the committee, thank you very much for your presentation this afternoon.

1650

CANADIAN AUTO WORKERS

The Chair: Our next presentation is from the Canadian Auto Workers. I would ask the presenter or presenters to please come forward and state your name for the record. On behalf of the committee, welcome.

Ms Peggy Nash: My name is Peggy Nash. I’m assistant to the national president of the Canadian Auto Workers. Raj Dhaliwal is the director of human rights for CAW; Karen McCulloch and Lisa Kelly are both with the CAW legal department. We appreciate the opportunity to appear before the committee today on this important bill.

The CAW is the largest union in the private sector in Canada and in Ontario, representing workers in 14 sectors, mainly auto assembly, auto parts, aerospace, electronics, rail, airlines, mining, retail and hospitality. We’re in many sectors across the economy, most recently organizing over 17,000 health care workers.

We have been negotiating human rights and equity provisions in our collective agreements for a number of years and challenging discrimination in the workplace.

We have been awarded awards from the Ontario and federal governments for our efforts in bargaining equity programs that, around disabilities, include language in our collective agreements concerning return-to-work programs, training and accommodation for both work and non-work-related injuries and disabilities, adaptations for workers who are hearing impaired, and the ability to refuse work for harassment based on disability. This has been an issue that is important to our union, so we’re pleased to appear before you today.

In our brief, we begin by looking at a definition of “disability” from the World Health Organisation that recognizes disability as an interaction between the individual and their environment. This definition recognizes that it’s critical to acknowledge that our environments can create a disability as well as they can create access to an environment. So we believe that legislation should have two components: the first is promoting a deeper understanding of both the limitations and abilities of individuals with various disabilities, but secondly, that legislation needs to be proactive in order to create access. This can happen by changing our physical and social environments to create universal access.

We’re also concerned about attitudinal barriers and the stereotyping of people with disabilities, that once these become embedded in our institutions, it helps create a disadvantage of social condition for people with disabilities. Therefore, we believe the Ontario disabilities act needs to be proactive in eradicating barriers to people with disabilities.

I guess our first concern is that while the preamble states that “every social and economic sector, every region, every government, every organization, institution” should be barrier-free, the act does not incorporate the private sector in any meaningful way. If we’re looking for systemic change in all our institutions, then it should be universally accessible for people everywhere in the province. Therefore, it should include the private sector.

We don’t have to spend time in our presentation looking at the status of people with disabilities, in the sense that I’m sure other organizations have spoken eloquently about the higher rates of unemployment and the higher levels of poverty for people with disabilities. Our concern is really that unless we address barriers in the private sector, we may be perpetuating a downward fall for people with disabilities toward the bottom of the economic sector.

The thrust of our brief really is in three areas: as I’ve mentioned, first of all, it should apply to all workplaces, including the private sector; secondly, it should contain proactive measures and measures that have enforceable standards with timelines; and thirdly, where workplaces are involved where workers are represented by unions, those unions and their members who have disabilities should be central to the consultation and implementation process.

According to Statistics Canada, about 80% of workers in Ontario are in the private sector. This means that in the

year 2000 almost four million Ontarians were working in the private sector. Our main concern is that by excluding the private sector from the ODA in any meaningful way, we may be sending a message to Ontarians with disabilities that the private sector is off limits to them, that they are not being encouraged to seek employment and that the job opportunities in the private sector will not be accommodating to their disability.

Right now, the only recourse they have is to take a complaint to the Human Rights Commission. As I'm sure you know, this is a very lengthy process. We only have to recall the Famous Players case, which took seven years to find a resolve, to know that's not the best way, to force people to make individual complaints to commissions.

We are also concerned that the ODA gives authority to the government to unilaterally exempt government ministries, the broader public sector, agencies or other organizations from Bill 125. This broad exemption doesn't have any accountability for the government when it's exercised. So we're very concerned about the impact of that rather sweeping exemption.

To back up the point about the Human Rights Commission and the difficulty for people with disabilities having to take their complaints to the Human Rights Commission, currently over 40% of complaints before the Ontario Human Rights Commission are on behalf of people with disabilities, and of those complaints, 70% were in the area of employment. So again, our concern is that we shouldn't be looking for complaint-driven remedies, but rather we should be proactive in our approach.

We also believe a proactive approach can actually spur innovation in industry, that there are benefits around accommodation not only for the people who gain accommodation because of innovation in design, but also in the jobs that are created through new industries in those measures of accommodation.

1700

We refer to section 508 of the Rehabilitation Act in the US, which is in the information technology sector and mandates all federal information technology environments to be accessible, both to employees with disabilities and the public at large. It also incorporates requirements to comply with procurement standards. This has spurred a number of advances in technology in order to comply with this legislation. Philosophies such as universal design and access have created innovation such as screen reader technology, which is now being sought after by both people with and without disabilities, and text-to-voice synthesizers to enable sensory- and voice-impaired individuals to talk with various programmed voices. These innovations are linked to this proactive law, section 508. We think that a proactive bill in Ontario linked to technological advances could create innovation and jobs in Ontario.

We believe strongly that having laws that are proactive, rather than complaint-based, takes us a big step forward from the existing Human Rights Code, the Charter of Rights and Freedoms and workers' compensation legislation. We've had those in place, as previous

presenters have said, for a number of years. We know what the flaws are in those bills in terms of delays and the fact that it is individual complaints. We believe it is time to have a proactive law.

Demographics are showing that as the baby boom population is aging, the number of people with disabilities is going to grow. The disabled community is one equity-seeking group of which we are all potential members. Surely we need to rely on our governments to be looking down the road and anticipating the changes needed to accommodate this growing population of people with disabilities.

We need clear and effective standards to mandate these changes. We believe that what is in the bill now is a potentially confusing and complicated range of standards and guidelines, and that we need to be much clearer in terms of the regulatory process. We need to be regulating not only how things are going to be changed, but also the content requirements of accessibility.

The CAW wants to play an active role in bringing an end to discrimination against people with disabilities. In the workplace we can do this by sitting down with employers to review employment systems, identify barriers and plan to remove barriers where they exist. The act should require joint accessibility committees comprised of the employer and the bargaining agent where people with disabilities in the workplace can participate in those committees, identifying barriers and planning for their removal.

Employers should be required to review their employment policies and practices along with the bargaining agent to determine if there are barriers to people with disabilities and to draft plans for eliminating those barriers. We also would like to see people with disabilities from the labour movement sitting on the Accessibility Advisory Council of Ontario as put forth in the bill.

In summary, we believe that work is central to people's lives and that people with disabilities too often don't get access to fulfill their full potential in the workplace. When they're denied those opportunities, we pay a large price as a total society. When people with disabilities face barriers to work, they have a substantially higher chance of living in poverty and facing greater barriers in their lives.

As our social programs are increasingly becoming fragmented and inadequate to meet the needs of all Ontarians, paid work becomes even more important. It is our collective responsibility to foster participation for the greatest number of individuals in every aspect of society.

The Chair: We have one minute per caucus. I'll start with the government side, and I mean one minute.

Mr Hardeman: Thank you very much for your presentation. When you started your presentation, you said that the CAW negotiates a lot of these issues in present labour contracts. How does that reconcile with suggesting that the act should require joint workplace accessibility committees? Do you already do that? When you negotiate the contract, do you include accessibility committees to help that workplace reduce the barriers?

Ms Nash: We don't have accessibility committees. What we have right now are things like placement committees for people who are disabled at work or outside of work and have a restriction of some kind and need to be placed with a particular restriction. We also have ergonomics committees and representatives to look at the design of the workplace and equipment. So in some senses, where we're able to bargain those structures, they do similar kinds of work.

Mr O'Toole: If I may, would you put seniority on the table—

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

Mr Parsons: I had the pleasure of giving up one week of planned vacation to sit on a jury once. I realized as we went through the witnesses that I started to get a picture I never thought I'd be able to grasp as I put each one together. We are finishing our third day of hearings. If I could capture what I think I've heard from the majority, but not all—

Interjection: Fourth day.

Mr Parsons: Fourth day? Time's gone fast. If I could capture the four main suggestions from the presenters, they have been that this must be mandatory, that it must apply to the private sector, that there must be fixed timelines and that there must be funding. Does that essentially reflect what—

Ms Nash: I guess that on the last piece around funding, we would say being proactive in terms of not being a complaint-based structure, that it be proactive in looking at potential barriers rather than waiting for someone to complain about an accessibility problem.

Mr Parsons: And there would be funding to remove those barriers?

Ms Nash: Yes.

Mr Martin: You bring, I think, a unique perspective to this whole bill, because even though the private sector isn't covered, organized labour isn't even mentioned in the bill. We know from our experience of government when we did the Employment Equity Act that organized labour was absolutely essential to any real enforcement or proactivity or anything where this kind of very necessary movement is concerned. Why do you think they left the private sector out and why do you think you're not even mentioned in this bill?

Ms Nash: I can't speculate as to what was in the minds of the drafters, but in our experience, to make equity measures effective in a workplace that is organized, labour has to be part of the equation, because the working conditions are negotiated working conditions. Our fear about having the private sector left out is that it sends the wrong message to people with disabilities that these workplaces aren't for them. I think that's wrong, because that's the vast majority of workplaces in Ontario.

Mr O'Toole: On a point of order, Mr Chair: I'd like to raise a question, because it's a very important question. The CAW is a very important partner in creating jobs and job stability. I would put to you the issue of seniority and job placement. I would like a response in writing, either today or sometime in the future, on

whether that's one item they're prepared to negotiate about, finding appropriate job placement and ignoring the seniority provisions within their contract.

The Chair: I don't know if it's a point of order. I'll leave it to the presenters whether they want to respond later on.

Ms Nash: I'm happy to answer that question briefly, if you'd like to give me the time.

The Chair: OK, I'll give you a brief moment.

Mr O'Toole: Thank you for that indulgence.

Ms Nash: Certainly the easiest accommodation for the employer is just to breach seniority provisions and put someone wherever, because that means you're not looking at the design of the workplace, the jobs, the design of equipment. I'm not saying that in our union we'd never make changes to seniority, but that's why you have to have joint union-management committees to look at that. Our preference obviously is not to disadvantage one worker by placing another worker out of line of seniority.

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

1710

ONTARIO COMMUNITY TRANSPORTATION ASSOCIATION

The Chair: Our next presentation is from the Ontario Community Transportation Association. I would ask the presenters to please come forward and state your names for the record. On behalf of the committee, welcome.

Mr Norman McLeod: My name is Norman McLeod and I'm the president of the Ontario Community Transportation Association. I have with me Béatrice Schmied, our executive director. I'm going to make a few opening remarks, and I'll be happy to help with the questions at the end, but I'm going to turn it over to Béatrice to speak to the details and on behalf of our membership in terms of this legislation.

My first comment is to tell you that our association is more than just a public transit association. Public transit is particularly interested in this legislation and in how this issue is handled because we've been working on this for a long time. But our association also includes the non-profit sector, the private sector, people who are struggling to move people around across rural Ontario and building partnerships. Our vision is of a process of building partnerships to provide service in the community so that no one will be unable to move from A to B for any reason—wherever life takes you, as our industry puts it. That is our mission and our vision.

One of the components, of course, and the largest component of our membership is the conventional transit sector. I manage a specialized transit service for people with disabilities specifically targeted at servicing them. I know what kind of strains are on our system. We work with the conventional transit side to try to make their service more accessible. Béatrice will speak to you of their concerns and their interests in this and tell you how committed we are to this process.

Ms Béatrice Schmied: Thank you for seeing us today. It's been a long day for you, so I'll keep it short. But first, a little bit about the life of a bus, just to bring you up to speed. In the United States, the expected lifespan of a bus is 12 years. Guess what? In Canada, it's 18 years, or a third more. And in some Ontario systems, buses are well, well into their 20s, sometimes even into their 30s. So we've got lots of old buses out there.

Fully accessible low-floor buses that could adapt to wheelchairs, scooters and all types of mobility devices came on to the market in Ontario in 1992. Buses dating from 1991, and even buses that were bought afterwards, since low-floors weren't readily available for a long time, technically still had that 18-year lifespan. So if we take into account even the very first system that bought the very first low-floor buses in Ontario, which happened to be Kitchener in 1992, even they will not be fully accessible until at least 2010 because of that lifespan issue and being able to purchase new vehicles.

To compound things, there was a delay in a lot of low-floor bus deliveries in the mid-1990s. For example, orders placed in 1996 weren't delivered until 1998. That delay is still occurring. Add to that, of course, the fact that, sorry, but the province did pull out of funding transit in the mid-1990s and the federal government never did participate in funding transit. So lots of communities were left scrambling to find money for vehicles.

Just to give you an idea of the cost of a standard 40-foot low-floor bus, you're talking over \$400,000. I just talked to Transit Windsor this morning and several that they bought have just come in. They got a good deal at \$425,000 apiece. That's before you get into articulated buses or even bigger vehicles.

Despite all that, I want to assure you that transit systems are really committed to accessibility and they're moving forward as quickly as they can. Low-floor bus purchases are now the norm. TDD phone lines, wheelchair-accessible shelters and fully accessible routes are now to be seen everywhere. Just four quick examples: Kitchener-Waterloo-Cambridge is now a mass transit system called Grand River Transit and 50% of their vehicles are low-floor vehicles, approximately a third of their routes are fully accessible and now they're just in the process of planning to integrate their conventional system with their specialized system, including training, which means that people who were limited to using a specialized system only and had to advance-book will now more easily be able to use the conventional system on the low-floor routes.

Hamilton Street Railway: over half their routes are fully accessible. On Sundays and holidays every route is accessible. In 2001, this year, over 20,000 trips were made on low-floor vehicles by persons using wheelchairs, walkers and scooters. These trips, by the way—and I think this is really neat—by people who normally use the DARTS specialized service, are offered on a voluntary fare payment. In other words, those people and an attendant can ride free of charge, and that's simply to encourage them to use the conventional service.

If we come a little closer to here, in Mississauga a third of the fleet is now low-floor. They just introduced five fully accessible routes on September 10. They've already done a survey and, interestingly enough, they found that most of their passengers who were using the specialized system before and are using conventional transit now are going to shopping malls and to the GO stations. There was always this myth that these people would be going primarily to hospitals and medical centres and so on. Well, guess what? They're like you and me and everyone else. They have normal lives. Mississauga Transit, by the way, and Peel TransHelp, the regional specialized service, have integrated their fares and their transfer points. They're really working well together.

Finally, our last example is one of our friends up north, Thunder Bay: 86% of their routes are fully accessible, and that's a fair-sized system—50 buses. Last year, 14,600 passengers using mobility devices were able to board the conventional service. You can imagine what their snow situation is like in the winter; still they managed with curb clearances and early snow removal to do that well. They plan by 2006, if their bus deliveries are on time, to be fully accessible. They'll be one of the first larger systems in the province to do so.

As far as our association, we're trying to do our part. Currently, we're working on a driver-training program to help drivers who serve customers with disabilities in the school bus, the motor coach, the public transit, the taxi and the non-profit volunteer sectors. In fact, we're going to be meeting with the Ministry of Citizenship tomorrow morning about that.

I guess we talked a little bit about our membership, but to just give you a better feel of who we really are, our main mandate is to encourage communities to bring conventional and specialized transit together with non-profit and private sector groups that offer transportation, either through brokerages or partnerships. Why have three vehicles from one corner of the city each bring one passenger down to another corner of the city when you can broker those vehicles, have one vehicle bring those three passengers and free up the other two vehicles to look after other people. Joe Brant hospital, Burlington Transit and the Canadian Red Cross in Burlington are an example of a group that has done exactly that. They broker their vehicles together; they freed up service that way.

We're the first province in Canada where community transportation has become a reality. We've got delegations from the Maritimes, the United States and, two weeks ago, from as far away as Japan coming to learn about our experiences. So we're here, we're on your side. I'm going to turn it over to Norm to close for us.

Mr McLeod: What I'm here to say is that our industry is looking forward to working with this legislation to move forward toward full access. We offer our services as an association to help make that happen, to consult with our members and to make it a realistic process. Under current fiscal realities, where most of the cost is

going to the local property base—and almost all of the cost of my system, the para-transit system, is still under the local property base—we recognize that we can't have too aggressive a pace here. If, of course, we had more partners around the table to pay more of the costs, we certainly could move forward faster. But this legislation allows us to pace it according to fiscal reality and move forward as quickly as we can to our own vision that nobody should be unable to move from A to B for any reason.

1720

The Chair: Thank you very much. We have approximately a minute and a half per caucus. I'll with the official opposition.

Mr Parsons: Very interesting. I've always struggled, in fact been offended, when a friend of mine had to come in through the kitchen to join me in a restaurant. I've also struggled with my own son having to ride a bus that toured half of the countryside to pick up three or four children when my daughter got on a bus and was at school in 10 minutes. Ironically, the most fragile are exposed to the longest and the most difficult ride.

I'm not sure buses are lasting longer now, but they're being made to last longer. The economics are dictating it. When I chaired a school board, buses used to leave after seven years. They now leave after 14.

I know lifts cost money, but I also know, as an engineer, that volume makes a profound difference. If you put a lift on every single bus, whether it be a city transit or whether it be a school bus, the cost would go down dramatically. And the lifts didn't tend to wear out; they tended to last two or three different buses. I'm interested in the concept of making every single bus have a lift, so the child or the person rides the bus with everybody else. Is that a realistic goal?

Mr McLeod: It's even more realistic to move toward a more radical solution really, low-floor technology, which is what we're doing now, where you don't need a lift because the whole bus is structured so that it's close enough to the ground so you just have to fold out a little ramp and people can get on in wheelchairs, buggies, whatever.

Mr Parsons: I've seen buses that kneel, but this is different.

Mr McLeod: This is different. When we talk about half of Hamilton Street Railway being accessible, we're talking about low-floor buses that are actually able to accommodate people of all disabilities. They are very expensive right now, but it's a little bit like conversion from a stick shift to standard. They're becoming the standard globally. So right now you're seeing a huge price increase. If anyone in the industry is going from high-floor to low-floor, they're almost doubling their budget for buses. That's what I'm telling you: that kind of commitment is there in our industry and they're moving that way.

Mr Martin: Thanks for coming today. Certainly the area that you specialize in is very central to any of the mobility challenges that are faced by people. At the end

of your presentation, you hit the nail on the head: it's a question of resources. Where do you get the resources?

As an aside, in Sault Ste Marie we bought some of those low-floor buses. Of course, when the winter came and it became 40 below zero, they didn't work. So we had a problem. We had to park them and bring out the old buses again.

There's lots of improvement needed, but you're right, the technology's there. We need to keep working on it. We need, though, all levels of government to be involved in investing in some of the newer technology and making sure that communities have access and that kind of thing. How much, realistically, can we do without a significant injection of money here from the senior levels of government?

Mr McLeod: We've seen our own membership move forward quite significantly, even though the provincial government dropped its subsidy for hardware. The difference is in the pace. When we talk about an 18-year or 24-year life cycle for a bus and so forth, that's a forced life cycle. That's not there because it's cost-effective to do it that way; that's there because we don't have the money to replace them. Obviously, if we could have a faster investment stream, we would replace those buses faster and we could have a more aggressive system. It's really just a matter of pacing it to the fiscal reality.

Mr Doug Galt (Northumberland): Just a couple of quick questions: one is that we think of transportation for the physically disabled and we've been criticized a few times for not recognizing some of the needs of the other disabled. I'm curious, on transportation, about some of the things that you would recognize that should be there.

Second, this turnover of the fleet—you said 18 years. I understand the average fleet is now 12 years of age in Ontario. Just listening this morning as I chaired the select committee on alternate fuel sources, I understand a bus is somewhere around \$500,000. If you went to some of these alternate fuels, you're up to \$1.2 million. You're saying, if it goes to the low-floor, it's double. If we manage both, to help the disabled overcome barriers and also get an environmentally clean bus, we have a pretty expensive unit. How long would this turnover take? The other is, what do we have to do to recognize the other disabilities?

Mr McLeod: When we first looked at this 10 years ago and started to lay out our plans as an industry, we were estimating it would be 18 years before the average fleet would be 100% accessible. That's actually slowed down because of the delays in the delivery of buses and because of the drop in funding. It has taken a while for us to recover our purchasing pace.

In answer to your first question, I'm particularly interested in that as the manager of a specialized transit service that is very clearly targeted to people with physical disabilities. We deal all the time with the issue of the people who really need supervised transportation, the people who don't qualify for our service but who shouldn't be going out by themselves. That's where the biggest issue is, in my view, in terms of non-physical

disabilities. What is needed is a program of travelling attendants and escorts to enable people with cognitive disabilities or frail elderly blind people or whatever to travel freely on any mode of transportation. That's what's needed in that sector.

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

KATHRYN BREMNER

The Chair: Our next presentation is from Kathryn Bremner, if you could come forward and state your name for the record. On behalf of the committee, welcome. You have 15 minutes for your presentation this afternoon.

Mrs Kathryn Bremner: Thank you. I'm struggling with my voice a bit, so I'll do my best.

Thank you for the opportunity to speak to you today. Basically, I'm here as a mother of a 16-year-old son who has cerebral palsy and uses a wheelchair for his mobility.

I'd like to start out by telling you that in my mind there are no individuals with disabilities but rather families with disabilities. Mothers and fathers, brothers and sisters of an individual with a disability are disabled families first and foremost.

As a family, my husband and I, as well as Scott's 24-year-old brother Jeff, have all been dramatically affected by Scott's disability and have witnessed and experienced at first hand the barriers that exist in our society that exclude young people like Scott from leading the kind of life that other teenagers and other able-bodied people take for granted.

At 16, Scott has dreams of dating, going to the mall, participating in sports and going to concerts. He plans for post-secondary education and subsequent employment. He has worked so hard to maintain an average of over 80% in his first two years of high school despite the fact that many challenges have been placed in his way. One of the greatest is his own learning disability, which is the result of the trauma to the brain. In the past, he has changed elementary schools three times because of accessibility issues, and two years ago, when it was time to go to high school, an event that most teenagers celebrate, he was unable to go with any of his peer group because the neighbourhood high school was not accessible. The school that was recommended to us as being accessible in the end really was not terribly accessible because Scott would have had to have used a key entry in three different spots in a freight elevator. He would have been travelling in a freight elevator that had no alarm system or any means of communicating with anyone else, so the school decided that perhaps carrying a walkie-talkie would be the way to go. There was no door that would let him into the school or out of the school, and there were no accessible science labs.

Digging in my heels, I said, "No, this is the school Scott will be going to." We were able to resolve a lot of the problems. So he is thriving in this school because of his own hard work and my constant monitoring of the

school that, no thanks to Janet Ecker and the intensive support amount funding formula, is providing the best they can for him, and this despite the fact that the ISA funding formula limits Scott to 0.5 of an educational assistant each day. What this means, according to their formula, is that Scott is physically disabled for only 50% of each day. Try explaining that to him, or to me.

When I realized that the government was now going to keep a promise, made when Scott was only 10 years old, to enact strong, decisive legislation, I was excited and I was hopeful. Finally, I thought, real progress will be made. The government finally gets it, I thought. In an e-mail to Cam Jackson and Jim Flaherty, who is my MPP, the evening before first reading, I told them that the question that I would ask myself which would be my measure of how well this legislation works is, what does it do to improve the life of my son? Upon reading the proposed bill, the only answer I could come up with is that it does absolutely nothing. Forget the fact that five years from now we can go back and revisit and reassess this bill. Scott will be almost 22 years old by then and will have missed out on many opportunities that he shouldn't have to.

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Bill 125 does not require that a single barrier be removed. Imagine for a moment that the chairs you are sitting in right now are wheelchairs and you can't get up out of them and you have to spend a day in a wheelchair. You are stuck in that chair. How are you going to get in and out of this room, out of this building, into an accessible washroom, the cafeterias or even into the Legislative Assembly? In order to get into this building, you will have to enter through the basement like some kind of second-class citizen, and if you wish to be part of the public gallery and there happen to be four others in wheelchairs ahead of you, you're out of luck. What if one of you develops multiple sclerosis or has a brain injury or is in a car accident? How will you retain your jobs as MPPs? How will you get to work if you are unable to drive? How will you live? Where will you live? How will you shop, do your banking and enjoy fine dining?

Bill 125 does not require that a single barrier be removed. Let me tell you about some of the barriers we face with Scott as a family so you can get an accurate snapshot of the reality of our situation and his.

In Durham region, where I live, Handi-Transit basically serves an aging population who rely on it to attend doctors' appointments. This means that there is little opportunity for kids to be spontaneous if they want to plan an outing, for instance, to the Oshawa Centre or to the theatre. He would have to rely on his parents to give him a ride, because Handi-Transit shuts down at 5 o'clock in the evening and doesn't operate on weekends. He has often asked me, "I'm 16. What if I find a girlfriend and she wants to go to the show. Does that mean you're going to have to go with us? How will I get there?"

Bill 125 does not require that these barriers be removed. I cannot begin to describe the number of times my family has tried to go out for dinner only to find that

Scott's wheelchair will not fit under the table, resulting in his having to sit a foot away from the table or sit on an angle so that he is unable to be comfortable or avoid dropping food in his lap. It is embarrassing to him and it is embarrassing to me as his mother. And what about the restaurants you can get into, but the washrooms are down a flight of stairs and there is no elevator? And they call themselves accessible.

Bill 125 does not require that these barriers be removed. Let me tell you what it is like to try to plan a vacation in the province of Ontario when you have a child in a wheelchair. Do you know how many hotels believe that being accessible means providing a room on the main floor? Others, thinking they are much more advanced, will boast that they do indeed have a wheelchair-accessible room, but nine times out of 10 there is only one bed in it. If you can get into the room through a wide enough doorway, you likely can't get into the washroom and there likely will not be enough space for a wheelchair to turn around in. Bill 125 does not require that these barriers be removed.

About four years ago, I booked a so-called accessible hotel room for a speaker from Oregon who was flying in to present at a workshop I was organizing. It was his first trip to Ontario and he was quite excited. Dean is a quadriplegic and he uses an electric wheelchair and travels with an attendant. I quickly discovered how different we are from the United States, who have had the ADA in effect for the past 11 years. At the time in the city of Toronto, there were only two accessible vans as part of a taxi service. When I booked it to pick him up at the airport, they didn't even show up. When we finally did get him out to Scarborough to the hotel that claimed to be accessible, the doorway to the room was, and there was an elevator, but he couldn't get his power wheelchair into the bathroom. Needless to say, I was very frustrated and embarrassed.

Bill 125 does not require that these barriers be removed. Families like mine are consumers of services from organizations which were established to provide programs and services for young people like Scott, such as the Easter Seal Society. Part of their mandate is to advocate on behalf of families like mine with special-needs children. I know this because I was an Easter Seals parent delegate for 13 years and I spent a lot of time talking to families and hearing their stories.

They continue to disappoint families like mine, because they fail to advocate adequately. How can you not involve the private sector in this legislation? Families of children with disabilities have money to spend. My own son has money to spend. Our lives are as closely tied to the private sector as they are to the public sector. Scott eats in restaurants, goes to the mall, the dentist, the doctors, the theatre, sporting events and other businesses you and your families access.

Scott wants to go to university and he has the marks to do it. However, he cannot plan for his future, based on the fact that not all universities and colleges are adequately accessible to him. He has to choose the school

based on accessibility and support systems, rather than programming. He's smart enough to know his life is going to be one challenge after another and I think this is unfair. He should be enjoying these years, not despairing about his future. As parents, we are unable to securely plan for his future, because there are so many unknowns and so many barriers. Things that you take for granted with your children are impossible to take for granted with Scott. Transportation issues, housing, physical accessibility, attendant care availability, support systems at school, recreational opportunities and universal, accessible health care are all major concerns for our family.

Scott is on the honour role and is a member of the student council. He was a youth shadow cabinet member for the 2008 Toronto Olympic bid, representing youth with disabilities. He has spoken at Toronto city hall, Variety Village and the region of Durham council and has been interviewed on television and in the media many times. He is a composed and articulate public speaker and would make a fabulous politician, but how would that be possible, given the barriers that exist in the province of Ontario today?

Bill 125 does not require that barriers impeding my son's life be removed. You must do better. You can do better. As Scott's mother, I have been totally involved in advocating for his needs for the past 16 years, whether lobbying for increased funding for our local children's treatment centre, starting a sledge hockey league in Durham region, serving as president of Parents in Action for Challenged Kids and also as a five-year SCC chair and alternative SEAC representative for the Durham public board. I have been the region of Durham representative for the ODA Committee for the past several years. I am involved, informed and educated and I know what I'm talking about.

Please help me to help my son. He and other young people with disabilities deserve the very best that we can do. Scott should have the same opportunities as his older brother, Jeff, who has recently completed five years of post-secondary education. Help Scott to become the contributing member of society that he wishes to be. Help him experience the kind of life that he can only dream about.

Please do the right thing and provide legislation that is effective and enforceable and includes both the public and private sectors. There must be timelines, funding and consequences to drive it home and make it meaningful. Incidentally, I do not believe that Rome was built in a day, nor do I believe that accessibility can be achieved overnight. We must have the necessary guidelines in place to achieve success and input from the end users who understand these issues so well.

I am asking you this on behalf of Scott and thousands of other young people like him and their families. Access to all the province of Ontario has to offer is a basic human right. Thank you.

The Chair: Thank you very much. We have time for about a minute per caucus. Mr Martin, I'll start with you.

Mr Martin: It's always so meaningful when one can make it real. We're at a bit of a crossroads here. Tuesday we'll find out if the government is serious about making this bill work. We're heard from people like you and others who say that as it stands now, it doesn't; it won't make any difference whatsoever in the lives of the people you care about.

Carole Riback was here this morning; she sat with you and Mr Lepofsky this afternoon. She had, I thought, a slightly different view than Mr Lepofsky of what we do on Tuesday if we don't get any amendments or the amendments that we think are necessary to give this thing some teeth.

I guess the question from me to you is, what would your recommendation to us be if on Tuesday we don't see the amendments that we need in this bill and it looks like all the government's going to do is say, "OK, we'll work with this," and then wave it around—and this is the cynical side of me—and perhaps come an election, say, "Well, we did introduce an ODA. What's everybody complaining about here?" What do we do?

Mrs Bremner: I think it's rather an unfair question to ask. I don't even think the question should ever have had to be asked. We've spent so many years working toward something that we felt was going to be a good piece of legislation and now, to think that it could be so insignificant and that we could have spent all of that time, thousands of people around the province who have disabilities—that's mind-boggling to me. I don't know if I have an answer for you. All I can tell you is that it doesn't help my son. We need something stronger. I know it probably will pass because the government has a majority, and that's really too bad. Why can't the government just do the right thing? It shouldn't be about politics. It should just be doing it because it's the right thing to do, because we are all equal. That's all I can say about that. I want my son to have the same opportunity as everybody else has.

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Mr O'Toole: Thank you very much, Kathryn, and thank you for your presentation and for your work over the last number of years advocating. I think you should take some pride and solace in that, and I don't mean that in any patronizing way. I'm quite sincere when I say it. Most importantly, when I read your e-mail to the minister stating that Scott has an A average—your involvement and your modelling for him is probably the best sort of example to the rest of us. I'm quite supportive of many of the points you've made. I know it's difficult; the unfair question has been asked several times, a "this or nothing" sort of question. That's not a fair question, really.

But I guess my thing is if you have some specific summary, what would be your best advice for implementation, a signal beyond the legislative framework for the government to manifest that its intentions are quite true to moving forward? There will be a discussion on the directorate, who sits on the advisory, what group are represented, the whole minutiae. It could take three years to find this. Do you understand what I'm saying? What

would be the best advice that you could give us to signal a real willingness to move forward, giving some legitimacy beyond the words in the bill, to the advisory capacity to the ministry?

Mrs Bremner: We can advise all we want and you can listen to our advice all you want, but until there's something in the legislation that specifically says it has to be enforceable, "These things have to happen or there will be consequences"—that's what it takes, because compliance isn't working. If compliance was working in the private sector, I wouldn't have any problems getting Scott into a restaurant or under a table or all the other kinds of situations you can imagine. There's nothing in the legislation—

Mr O'Toole: What would be realistic—

The Chair: Mr O'Toole, I can't go for another question. I have to let the presenter finish her answer. Have you done with the answer?

Mrs Bremner: Basically, yes. I think there needs to be something in the legislation that is meaningful, that makes the legislation enforceable.

The Chair: Now I have to go to the official opposition.

Mr Parsons: I can't imagine how frustrating you find this, because I find it incredibly frustrating. Democracy is relatively fragile and I struggle with a group of citizens having to fight the government to get their rights. In this province, in most municipalities, people who are blind cannot vote themselves; someone has to vote for them. That's a fundamental cornerstone of our democracy. Someone else has to vote for them. What you've asked for and what every other presenter has asked for is not special treatment; you've asked for the same treatment as everyone else. I'm going to suggest that if you'd had more time your answer might have been a good signal to the government on where they should go with this bill: if it was mandatory, applied to the private sector, was enforceable and there was funding to make it happen. That would probably be the best signal to persons with disabilities that there's going to be a meaningful act.

Mrs Bremner: That's right.

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

Mr Martin: On a point of information for people's interest: yesterday, I believe it was, there was some information tabled with the committee, research that was done by the our legislative research people, on what legislation exists in other jurisdictions in North America and in other places. That's available. This morning there was tabled a summary of recommendations so far to the committee. I believe there are copies of it on the table over there. People should know that it's there and it's available to them if they want it.

CANADIAN COUNCIL OF THE BLIND,
ONTARIO DIVISION

The Chair: Our next presentation is from the Canadian Council of the Blind, Ontario division. I would ask

the presenter to please come forward and if you could state your name for the record. On behalf of the committee, welcome.

Mr Gerald Stephenson: Thank you very much. My name is Gerald Stephenson. I'm the Ontario president of the Canadian Council of the Blind.

Thank you to the Chair and to the committee for this opportunity of addressing the matter of Bill 125, the proposed Ontarians with Disabilities Act. In submitting this presentation, as citizens, we place a high value on the principles of democracy. As citizens, we are concerned with what substance and weight the government will ascribe to our input and that of our colleagues and peers.

First, may I take this opportunity to thank the standing committee on finance and economic affairs for contacting me and giving the Canadian Council of the Blind, Ontario division, an opportunity to make a presentation to this public hearing this afternoon.

A lack of sight is not a lack of vision. Founded in 1944, the Canadian Council of the Blind, CCB, through its motto of "Faith, Service and Fellowship," has undertaken the ambitious objective to encourage, build and restore self-confidence, self-reliance and dignity to thousands whose daily activities have been disrupted by blindness and both severe vision and hearing impairment. More than half a century later, the CCB, through its numerous affiliates and local community-based clubs within nine provincial divisions, services every region of the country. As well as providing social and recreational activities at the local level, the CCB is Canada's national consumer organization, representing the needs and concerns of people who are visually challenged.

The council is recognized as Canada's voice of the organized blind. The CCB strives to promote the quality of life in all aspects of Canada's blind community, the prevention of blindness and conservation of sight. We are active in 23 communities in Ontario. Monthly meetings serve as a forum for information, education and support to newly blinded or vision-impaired individuals as they adjust to the challenges of their disability.

Clubs have a wide variety of social activities, such as bowling, curling, cribbage and other activities. The CCB lobbies both government and businesses to promote the interests of Canadians who are blind and vision-impaired.

Constantly on the move, the council strives for improvements in areas such as transportation, technical devices and accessibility. Through advocating concerns from the need for profitable employment to access to information, the CCB works to address issues which impact on the lifestyle of all blind and vision-impaired Canadians.

In the area of advocacy, we have been influential in improving tax reform, education policies, employment equity, social assistance programs, currency redesign and improved accessibility in the transportation industry. We are proud of the following accomplishments:

(1) Development of a national White Cane Week to promote awareness of who we are;

(2) Advocacy for the distribution of government documents in large print, Braille, audiocassette and computer disk;

(3) Contributions to the establishment of the first-ever national broadcast reading service for blind people—VoicePrint;

(4) Promotion of strategic placement for standardization throughout the country of audible traffic signals to assist people who are blind and vision-impaired in crossing busy intersections.

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The hearings, although they are public hearings, are in areas where many persons with disabilities cannot get to to make their presentations. The time limit is woefully short. For instance, I was notified Monday at 4:25 that I could make a presentation on Tuesday at 20 minutes to 6 if I let the steering committee know by 4:30. I didn't pick the message up until it was too late. However, I was given another opportunity yesterday to be here this afternoon/evening to make a presentation, and I am grateful. However, it meant making arrangements for transportation on short notice to be here. I was lucky, but there are many others who cannot be represented because they weren't given enough time.

It is not unreasonable to suggest that the largest proportion of Canadians who are blind, deaf-blind and partially sighted reside in Ontario. For this reason, we are here. Today, Ontario is under the lens of our sister provinces with all disabled Canadians. Unfortunately, Bill 125 in its current form falls significantly short of effecting full inclusion of Ontarians with disabilities.

Society has failed to provide all citizens with equal access or participation to the maximum extent. To many in the disabled community, their families and their friends, there is a question of what agenda is driving government. Is it economic or democratic?

Access to information is vital to all of us, but to the blind, deaf-blind and vision-impaired it is woefully lacking. Yes, we have a national reading service, but it is not accessible to everyone. Yes, we have an ADP program which provides equipment at limited cost to the individual, a great program as far as it goes. With technology changing so quickly, by the time we qualify for updates in our systems they are obsolete and we have to buy completely new systems, which costs the government even more money. It seems to me that it would make more sense to allow upgrades to existing equipment before five years is up. As far as the training goes, 10 hours is nowhere near enough, especially when part of those 10 hours is the setting up of the equipment. These are difficulties which all disabled persons face regardless of what their disability might be.

There is also the area of transportation. There are handicapped stickers for those persons who have a disability which permit free parking in designated areas, but each city has different regulations. We need standard regulations across the board so that the \$5,000 fine proposed in Bill 125 for parking illegally in a designated handicapped parking area will have more clout. We need

regulations on planes and trains that effectively help all people with disabilities to travel in comfort and safety.

We need to be a part of society without being forced to stick out because we are noticeably different, whatever that difference might be. We need a set standard for audible pedestrian signals that is the same across the province, and we need to have those signals in as many places as possible to allow us, whether using a cane or a dog, to travel freely and safely.

We need access to information in whatever format we choose, be it tape, large print, Braille or diskette. How much Braille do we have here for handouts this afternoon?

The proposed Bill 125 was only available to me because I have a computer with voice and because the ODA Committee and its chairman, Dave Lepofsky, made it available to those of us who have e-mail and are fortunate enough to have access to this equipment. But there are many, including myself, who would have preferred to have a Braille copy of the proposed bill, but it isn't readily available. So we have to rely on our memory or going over it sentence by sentence and copying it so we can access it, which of course takes time, time we don't have enough of, to make our presentations.

Also, the cost of receiving material in Braille should be such that the Braille be the same price as print, especially after the master copy has been prepared. There are many periodicals, books and other information not available in Braille because of the astronomical cost to produce it, even with our great technological advances.

Does the proposed act fulfill the commitment to the national disability agenda? Certainly the framework is there. In our view, it is a shell of what it truly needs to be. Given the time and resources, we could offer historical evidence illustrating a proactive as opposed to a passive commitment. It has always effected positive societal change. Accepting Bill 125 as the foundation, the proposed legislation needs to be amended to strengthen the responsibilities, role and authority of the provincial council and, to a lesser degree, municipal advisory committees as vehicles through which those collective obligations can be fulfilled.

The CCB, along with the NFBAE, endorse in principle the amendments put forward by the ODA Committee, in particular as they pertain to the development of regulations, standards, clarifications and additions as defined in the submission of the ODA Committee in all respects save two.

Timelines in section 19: in the matter of the barrier-free council and the directorate, we concur that these bodies should be established within six months of enactment of the legislation. In the matter of the development of regulations, standards and timelines, they should be established no later than 18 months from the enactment of the legislation, or, if you will, no later than one year from the formation of the council and the directorate.

In the matter of provision of goods and services and how sections 5, 6, 7 and/or any other section may be interrelated or independent, and not knowing relevant

provincial regulations with regard to procurement policies, we would propose that the following be included: "In any procurement or service provision process, bids from other government departments, municipal entities and any organization subsidized by any level of government or holding any type of tax-exempt status should not be accepted." These public organizations should not compete with the private sector unless a specific policy to the contrary exists.

When the private sector is not able or willing to undertake the work, in section 19 we propose the inclusion of the following under subsection (2):

"Members

"(d) Any person or persons directly or indirectly an employee of the Ontario government, as defined in amended section 8, or organization or organizations, person or persons directly associated with the said organization that received grants, subsidies or contracts are ineligible for formal membership on the council, the exemption being the Trillium Foundation. Said persons or organizations may serve, provided the council is comprised of a two-thirds majority of members from representative consumer organizations. By invitation of the minister, representation from consumer organizations shall be determined by the organizations."

We have a recommendation for a 2(c): "A quorum of the council is constituted when the majority present are members with disabilities."

Under purpose of the council, we concur with the amendments put forward by the ODA Committee.

"Remuneration and expenses": we should delete the word "may" and insert the word "shall."

The Vice-Chair (Mr Doug Galt): If I may, Mr Stephenson, the bells are ringing in the House. We're obliged as members to go and vote. You have four minutes left in your presentation. We'll come back after the vote.

Mr Stephenson: OK.

The Vice-Chair: I'm sorry. We're not being impolite. It's rather a command performance that we go for the vote and we have three minutes and 12 seconds to get up there. The committee will stand recessed and we'll be back for the remaining four minutes of your presentation. My apologies.

Mr Stephenson: No problem.

The committee recessed from 1802 to 1814.

The Vice-Chair: We will now reconvene the standing committee on finance and economic affairs. Again our apologies, but for all parties it was indeed a command performance. Mr Stephenson, there's a full four minutes left for your presentation, so go ahead.

Mr Stephenson: Thank you very much. Remuneration and expenses: should delete "may" and insert the word "shall" so that it now reads, "The minister shall pay the members of the council the remuneration and the reimbursement for expenses that the Lieutenant Governor in Council determines."

We concur with proposed amendments of the ODA Committee number 4 and number 3.1 under this section.

Finally, we concur with the proposed amendments of the ODA Committee under the heading of "Resources." Quite candidly, the process of the development and fruition of this bill has been flawed. Why? Because there have been woefully inadequate consultations or any kind of forums with the disabled community, in its formulation, with the government. The fact that these hearings are being fast-tracked and are of limited time and scope denies the disabled community an opportunity to carefully assess the merits and implications of the existing Bill 125. Worse, it denies the disabled community the necessary time to either formulate and/or assess the implications of any amendments that may be put forward from any sector.

Ontario has always prided itself in being in the forefront as leader. You have before you an opportunity to once again show that leadership by bringing forth a strong Ontarians with Disabilities Act that would be the benchmark for our sister provinces. However, you can't do it alone and you can't do it by excluding the disabled community. We plead with you to set up an assembly of disabled persons from across Ontario, including all disabilities, to meet with you so that a consensus can be arrived at. This should be done before third reading of the bill.

You've made a start. Let's see it grow in strength. Let's work together toward an ODA that would make us all proud, not only as Ontarians but as individuals, knowing that we worked as a team to fulfill a dream that perhaps is close to becoming reality.

The Vice-Chair: Thank you very much. There is about a minute left. If each caucus is very careful, we'll give them 30 seconds each for a comment or a quick question. We'll start with the government side.

Mr Spina: Thank you, sir. We appreciate the time you took to come, especially with the short notice you indicated. You indicated some very specific time frames for implementation that you thought should be amendments to the bill. If you would take just half a second to reiterate those, I think we would appreciate that.

Mr Stephenson: Six months and 18 months or 12 months?

Mr Spina: Yes, those were the dates. I'm just trying to remember what they were for. I apologize. Well, it's in the record anyway, so we'll follow up with that.

The Vice-Chair: I believe it was six months to have the committee in place and 18 months to have the regulations in place.

Mr Stephenson: That's correct.

The Vice-Chair: I'm impressed. I was listening and I remembered.

Mr Parsons: Realizing that time is tight, you have given us a number of amendments to consider next week. Just to clarify—I believe you said it but I need to ask again—are you essentially endorsing the suggested amendments of the Ontarians with Disabilities Act Committee?

Mr Stephenson: Yes.

Mr Martin: I really appreciated all of your comments, but particularly the reiterating of the concern that we're rushing this through and that you didn't have the time to come forward. We had a wonderfully delightful presentation by a blind-deaf woman in Ottawa named Penny LeClair, who didn't have time to prepare but came and told us very clearly that we needed to take more time so that people like her could be heard and have an opportunity to have input.

The last comment: I was in my office a few years' back when we were in government and we were looking at the whole question of the rights of gay people in our communities. I'd had a discussion with someone, and at the end of the discussion, when we couldn't agree, his final comment was, "We can't afford to give everybody their human rights." Sometimes I think that's the attitude that exists out there. This is a chance for us to show that in fact we can and should and have to. I'm hoping the government will come forward on Tuesday and indicate that and table some amendments that will make us all able to celebrate that we have something that will actually do what the preamble sets out.

The Vice-Chair: Thank you, Mr Stephenson, for coming forward. We appreciate your thoughtful presentation. In spite of the short time, it was an excellent presentation.

The committee now stands adjourned until tomorrow at 10:30 in Thunder Bay.

The committee adjourned at 1821.

STANDING COMMITTEE ON FINANCE AND ECONOMIC AFFAIRS

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Mr Ernie Parsons (Prince Edward-Hastings L)
Mr George Smitherman (Toronto Centre-Rosedale / Toronto-Centre-Rosedale L)

Also taking part / Autres participants et participantes

Mr Peter Kormos (Niagara Centre / -Centre ND)

Clerk / Greffière

Ms Susan Sourial

Staff / Personnel

Mr David Rampersad and Ms Elaine Campbell, research officers,
Research and Information Services

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