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Official Report of Debates (Hansard)

Tuesday 4 December 2001

Journal des débats (Hansard)

Mardi 4 décembre 2001

**Standing committee on
finance and economic affairs**

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

Ontarians with Disabilities
Act, 2001

Loi de 2001 sur les personnes
handicapées de l'Ontario

Chair: Marcel Beaubien
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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**

Tuesday 4 December 2001

Mardi 4 décembre 2001

The committee met at 0904 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.

The Chair (Mr Marcel Beaubien): If I can get your attention, I'd like to bring the standing committee on finance and economic affairs to order. There are a couple of items that I would like to point out for the record. Copies of the bill are available in Braille. There are audiotapes, diskettes or disks and large print copies. The bill is also available in French. They are located at the back of the room.

This is the third day of the hearings. Tomorrow we will be meeting again in Toronto. On Thursday we will be in Thunder Bay and on Friday, in Sudbury.

**GREATER TORONTO HOTEL
ASSOCIATION**

The Chair: I would ask our first presenter this morning, the Greater Toronto Hotel Association, to please come forward. Please state your name for the record. On behalf of the committee, welcome. You have 20 minutes for your presentation this morning.

Mr Rod Seiling: Good morning, Mr Chair. My name is Rod Seiling, and I am president of the Greater Toronto Hotel Association. I want to thank you for the opportunity to appear before you and your committee today and for allowing me the time to speak to you about Bill 125, the Ontarians with Disabilities Act.

The Greater Toronto Hotel Association is the voice of Toronto's hotel industry. It represents about 135 hotels with over 33,000 guest rooms and more than 30,000 employees. We were founded in 1925, and I am not going to bore you with the rest of who we are. You can read just as well as I can.

From the outset I want to assure you that the GTHA and its members have provided and continue to provide quality service to persons with disabilities. We do it not just because it is the right thing to do but also because we believe it is good business. Our members recognize that accessibility as it relates to accommodations is a prerequisite to a healthy tourism industry. Our destination marketing organization, Tourism Toronto, with the unanimous concurrence of our members, has a stated objective of making Toronto the destination of choice for persons with disabilities.

There are more than 100 million disabled persons in the United States, Europe and Canada, Toronto's prime tourism markets. Approximately 25% of the disabled population regularly travel for either business or leisure. A recent Royal Bank of Canada study pegged the potential spending power of Canadians with disabilities at \$25 billion.

Americans with disabilities who will visit Canada will spend seven times that amount, or \$175 billion. That is \$200 billion worth of spending power and, I would suggest, it is a very powerful incentive.

It is estimated that there are approximately 1.5 million Ontarians with disabilities. In addition, seniors, many of whom have or will soon require similar service needs, form an already large and growing travel market. The GTHA's members recognize the inherent value of these two large demographic groups. These travellers expect, and are entitled to receive, services appropriate to their need.

The GTHA supports the provisions contained in Bill 125 as they relate to the private sector. We are confident they can and will work. In fact, we would suggest that we are proof that the private sector can and will do the right thing.

The GTHA has been working with the Ministry of Citizenship for some time in this very important area. The work has consisted of both participating in its ongoing consultations and as a partner in the development of programs to help improve the quality of service we provide to all our guests. I might add that we have worked with various disabled groups to develop these programs so as to ensure we are delivering what they both expect and deserve.

I show you this binder here. I'm going to talk about it next. Guest Services that Work For Everyone is a sensitivity training program. It's something that I and our

association are very proud of. It is the first step in our Enabling Change initiative. This program is designed to raise the awareness of the needs of persons with disabilities within our industry. The goal is to make all employees comfortable in helping guests with visible and invisible disabilities. We see it becoming ingrained within the corporate culture of our hotels as they integrate it into their ongoing training programs.

The second phase of our Enabling Change project, again working in partnership with the Ministry of Citizenship, is the hospitality checklist. The GTHA and its members recognize that accommodation accessibility goes hand in hand with service in order to create an accessible hospitality-tourism industry.

Our industry spends millions of dollars annually on renovations. To the dismay of many hoteliers, despite their best intentions, these renovations do not guarantee accessibility. Currently there are no standards on accessibility for hotels in the province, with information scattered in many areas. I want to point out that many hotels are already accessible. Nevertheless, they continue to upgrade their services and facilities in order to provide an even better product.

The objectives of this stage of the project are: (1) to provide the industry with a self-assessment tool to evaluate the accessibility of a property and to identify potential changes which will remedy barriers in order to increase accessibility for persons with disabilities to hotel properties in Toronto and, by extension, across Ontario; (2) to facilitate accessibility by providing materials with clear, specific and easy to implement remedies and examples; and (3) to provide information regarding cost and acquisition of products necessary to create accessible premises.

The benefits of this program, I must point out, will not just accrue to the hotel industry as the modular scope of the initiative will allow many industries to utilize it. This means, for example, that restaurants can utilize the food and beverage module. Health clubs, laundries etc will all be able to utilize the respective module for their business.

0910

From the hotel perspective, we see a number of benefits. It will enable hoteliers to be better able to respond to accessibility problems on their properties. It will provide the tools and resources to hoteliers in order to create more accessible facilities and better serve guests with a wide range of disabilities. Persons with disabilities and seniors will benefit by experiencing fewer barriers to access accommodation facilities. The industry will benefit economically, as it will experience higher demand from the persons with disabilities and seniors' market.

Retrofit is a very costly undertaking. We firmly believe that this method produces a win-win situation for everyone. There is a business case to make for sectors to become more accessible and, based on what we have witnessed to date with our members, they will.

We fully expect to be setting targets and levels of accessibility. Stage 2 of our Enabling Change project will provide us with the tools we require. Hotels will be able

to build into their capital improvement projects the changes that are necessary. We have already made the internal changes, from an association standpoint, as a result of the introduction of Bill 125. Accessibility, which already was a priority issue, has been moved to our operations committee, where it will now be actioned as soon as this legislation receives third and final reading. This committee has already met to discuss the processes our industry will undertake to implement Bill 125. We see it as an opportunity to maximize the returns for our industry, as our industry is already implementing it.

In conclusion, I would say that we will not only talk the talk, but we will walk that talk.

The Chair: Thanks very much. We have approximately three minutes per caucus. I'll start with the government side.

Mr Joseph Spina (Brampton Centre): Thank you, Mr Seiling. It's good to see you again. It was pleasant to hear the comments and to hear about the initiatives that have been taken by the accommodation industry. I was happy to hear that this kind of legislation would really set a standard. Did I understand that correctly?

Mr Seiling: As we read the legislation, what we are preparing to action is that we will work our way through stage 2 of the Enabling Change project. We will meet, and we will start to set levels of accessibility. We will gradually raise the bar. We'll work our way through it and allow hotels to build on their capital improvement program. As I said earlier, retrofit is a very costly enterprise. But even more important, to the dismay of many hoteliers, is that they try to do the right thing and find out after the fact that they haven't, because the information wasn't available, the supplies weren't available, the standards weren't there. We'll now be able to do that: set the standards and raise the bar as we work through the project.

Mr Spina: One of the things we've been faced with from many of the proponents and constructive critics of this bill—because I don't know that there's anybody who's really opposed to it—was the phase-in time or the time frame for implementation, and whether that should be in the bill.

With regard to your program that you talk about, the Enabling Change project, do you have any time frames over the next two years, five years? Is there some kind of a time frame or guideline that the industry is trying to work toward?

Mr Seiling: Our committee has already met. My committee chair, a hotel general manager representing one of the larger hotel chains across the province, speaks of being able to have some standards in place by the second year.

What we see as most advantageous out of this bill is not taking an American disabilities act approach, where there was a large mandate and countless millions of dollars and resources were wasted on legislation—not only legislation, but litigation. We see it as an opportunity. We believe the business case is there, and we believe we're living proof, because our members want to

do it. We can't be the destination of choice for persons with disabilities if we can't provide the service, if we can't deliver. So we intend to be there. We believe, and have from day one, that there is a business case. While you can't document it, because you can't take stats in this area, the numbers I quoted are powerful incentives to want to do something. If we can capture a fair share of that market, there's a huge return for us to be there. It's a very competitive market and one that we certainly want to grab our fair share of. We believe we can do that, but the only way we can do it is by implementing and actioning.

The Chair: Now to the official opposition.

Mr Ernie Parsons (Prince Edward-Hastings): My first question is frivolous. Did you play hockey?

Mr Seiling: I stand accused.

Mr Parsons: You probably don't remember when I played pro hockey.

Mr Spina: But you remember when he played.

Mr Parsons: Yes, I do. I applaud you for this action, both for the moral and for the business. It's a great action. Where I'm curious is, your group is the only group that has come forward in Ontario to voluntarily do it. In fact, it's not the hotel industry of all of Ontario; it's the industry of Toronto. It's a great thing. What caused your group to see the light and do it? Do you have any sense of why the rest of Ontario is not voluntarily following it?

Mr Seiling: Very simply, we've said from day one that the best way to make progress is to educate, not legislate, and education is part of making the business case. I happened to witness yesterday, at the launch of the ministry's new Web site, which I think is tremendous, that in there Bill Wilkerson has published a document talking about the business case. Quite frankly, part of it is for people to learn what business opportunities are there. The private sector always reacts most positively to the opportunity to earn a return on their investment. We believe there is an opportunity to do that and we're quite confident that we can, at the end of the day, demonstrate that it isn't just the right thing to do, but it makes good business sense to do it, and that's why we're doing it.

In terms of across the province, I should point out that we work with the provincial hotel association. They're following in our footsteps in these projects. They are starting to move these across the province. They are starting the training. It's a train-the-trainer program. This has been basically through our hotels across the GTA now. It's starting to roll out across the province, and they will be participating in stage 2 of the Enabling Change project as well. I believe in this very much. We'll be speaking, and have spoken already, to other groups because we believe it's the right way to go. To coin a phrase, it's easier to catch flies with molasses than with vinegar. We think we can show people that if you do the right thing, you'll profit by it as well as feeling very good about it.

Mr Parsons: You're saying with hotel rooms there's a payback for people to come. The challenge I'm hearing

from the disability community is, ironically, people in Toronto will be able to get into a hotel room but not into an apartment. Apartments are running at less than 1% vacancy, so there isn't a financial incentive for apartments to be made accessible, as opposed to your industry, which has a lower vacancy rate and is astute enough to say, "We can increase the usage." What would you say should be the proposal to apartment owners to make their buildings accessible?

Mr Seiling: First of all, I wish we were running at a 1% vacancy rate. I'm not qualified to speak on that. All I can talk about is our industry and reiterate that I still believe there are ways and means, whether it's through incentive or whatever; that we have watched and we have involved not only people from the disabled community in coming to where we are, but we've also involved some of our members who've had experience in the development of the ADA and who found the negatives. We've learned from that and tried to incorporate that so that what available resources there are, are put to a productive use rather than a litigious use, where no one wins except the lawyers.

We believe very strongly that over the coming years we will raise—because we're going to set those target levels. My committee chair is already saying that in two years he wants to have the first level set. What we need to do in advance is to get out there and give people the tools so they can know what's coming and build the changes in those capital programs, so they don't wake up tomorrow and find they have this huge bill to pay, so they were building the capital. People want to do the right thing, and it's much easier to get owners to understand why they have to commit those dollars if they see that there's a return for them in the long term.

0920

Mr Tony Martin (Sault Ste Marie): Thank you for coming this morning. I appreciate the commitment you're making on behalf of your organization. I have just a couple of questions. At the bottom of the first page, you say that you support the provisions contained in Bill 125 as they relate to the private sector. Many who have come before us have said that in fact there's nothing in the bill that relates to the private sector; there's a lot of moral suasion and wishing in the bill that relates to the private sector.

First of all, how much of what you're doing in the hotel industry is driven by the Americans with Disabilities Act because you're part of a chain that has headquarters in the US?

Mr Seiling: First of all, we're not part of a chain; we are a Canadian, Ontario organization. We have no relationship, business or otherwise—

Mr Martin: You're a member—

Mr Seiling: I have some members who are. Many of my hotels are already compliant, but it's not germane to the issue. I have a lot of Canadian members who have no relationship. This is unanimous support for doing the right thing.

In terms of the reason to comply, it's our understanding that there are within the bill provisions for review committees to look at it, and we believe those groups which do not make some progress run the risk of having these groups go back to the government to ask for certain levels to be set arbitrarily. Of course, the ultimate is that this bill is up for review in five years. My suggestion would be that those groups which don't do the right thing run the risk of being mandated or legislated five years hence. I would think that persons who think sanely and rationally will want to ensure that they don't get that heavy hand thrown at them five years hence, that they will have moved along in a fairly good way.

As I said earlier, we've seen, and have no reason to doubt, that people do want to do the right thing. I said earlier I believe very strongly that when people are presented with the information and the facts that show that there is a business case to be made, it's much easier to get people to invest.

Mr Martin: I appreciate as well the comment that it makes good business sense to be accessible to the disabled, and indeed it does. The other side of the equation for me is, how much effort is being made in your organization? Do you have any statistics to indicate employment of disabled people? What are you doing to your workplace, because it is a significant workplace, for those who are disabled so that they can come in and work for your members?

Mr Seiling: We're very proactive. Up until this year, we have run a program I'm very proud of called HELP, the hotel employment leadership program. It dealt with two specific areas; one was street youth and the other was persons with disabilities. We ran it in partnership with the ministry and with the city of Toronto. We were able to take individuals off the street, and also people who had been left behind because they had a disability. It ran in partnership with Goodwill and the Ontario Tourism Education Council. Goodwill gave them life skills, OTEC gave them new specific skills and we guaranteed employment for them in the industry for six months.

Unfortunately, due to the events of 9/11, we've had to cancel that program this year because we've had massive layoffs. With the unionization of the industry and the layoffs, we couldn't guarantee those jobs. But I'm hopeful that next year, if things have turned around, we can reinstitute that program. We're very proactive. As an industry that up until 9/11 had a severe shortage of labour, we've now come to have an over supply. We looked at that as being a great untapped tool for quality employees.

The Chair: I have to bring the debate to an end. On behalf of the committee, thank you very much for your presentation this morning.

TOURISM TORONTO

The Chair: Our next presentation this morning is from Tourism Toronto. 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 Catherine Smart: Thank you, Mr Chairman. My name is Catherine Smart. I am the director of product innovation with Tourism Toronto, Toronto's convention and visitors' association. It is a privilege to be invited here to speak today on behalf of the tourism industry in Toronto with regard to Bill 125, the Ontarians with Disabilities Act.

First, let me begin by congratulating both the ODA Committee as well as the ministry for finally reaching a benchmark that will only become stronger as time goes on. Bill 125 is good news. It represents a beginning for many who have fought long and hard for equal access. It also represents guidance and support for organizations and businesses that want to do the right thing, but may not currently know how.

Tourism Toronto is the official destination, sales and marketing arm of the city of Toronto. Tourism Toronto focuses on promoting and selling the city as a destination for tourists, convention delegates and business travellers. Officially operating as a not-for-profit agency, Tourism Toronto has more than 850 members in the greater Toronto area and is a partnership of the public and private sectors. In other words, our job is bringing tourism to Toronto.

Prior to joining Tourism Toronto one year ago, I spent the majority of my career developing programs and providing services for persons with a disability. Most recently I spent close to 14 years working with the Ontario March of Dimes as the manager of recreation and integration services. It was during that time I was presented with the opportunity to assist with the development of the Guest Services that Work for Everyone training package, which made me realize both the scope and potential of the tourism industry in relation to providing equal access to persons with a disability.

My primary role as director of product innovation is to promote a barrier-free city, both physically as well as attitudinally. Not only was this position brand new to Tourism Toronto one year ago, but it was new to all convention and visitors' associations across Canada. This is an important point to note in that this role reflects both the commitment as well as the vision that the tourism industry has embraced to further adopt accessibility as part of their mandate.

SATH, which is the Society for Accessible Travel and Hospitality based out of New York City, estimates that 39 million Americans have a disability and the capacity to travel. The average income ranges from \$19,000 to \$38,000 US depending on education. Since the inception of the ADA—the Americans with Disabilities Act—American visitors arrive in Ontario with a certain expectation with regard to access.

As Mr Seiling noted, over 15% of Canadians have a disability, and by the year 2010, 25% of the population will be over 65, otherwise known as the mature traveller. These statistics clearly indicate the scope and potential business that is and will be available to serve persons with a disability and seniors in the years to come.

I would like to share with you some of the successes the Tourism Toronto accessibility program has experienced over this past year.

The development and initial presentation of the Tourism Toronto Jeff Adams Access Award of Excellence: this prestigious award is presented once a year to a member who has demonstrated a sound commitment to providing increased access. The first recipient of this award was the Toronto Hilton managed by Marilyn Soper.

The development and distribution of the Accessible Toronto brochure: one of the many things Tourism Toronto is committed to is providing up-to-date, accurate information to tourists visiting this city. The Accessible Toronto brochure lists accessible hotels, restaurants, tours, transportation and attractions. This brochure is updated regularly and is also available on the Tourism Toronto Web site.

There was the development of the product innovation accessibility committee, which is comprised of persons representing many sectors of the disability community. In addition, members also include individuals representing the tourism industry as well as consumers who are committed to promoting an accessible city.

We're a member of the Canadian Standards Association with the barrier-free design and customer service for persons with a disability committees. Having worked in the disability field for many years, the subject matter is quite familiar. However, what is particularly important is to have a person representing the tourism sector, therefore bridging a potential gap.

I share a few of the past year's successes with you to demonstrate just how committed the tourism industry is to further promoting a barrier-free city.

The response thus far has been extremely positive. However, there is a lot of work yet to be done. The current resources that are in place—such as the Guest Services that Work for Everyone training package, the Paths to Equal Opportunities Web site, along with the upcoming Hospitality Checklist—clearly provide the tools required to assist the tourism industry to embrace accessibility as part of the fabric of everyday business.

Given that the current bill does not provide specific guidelines to the private sector, there is little incentive for businesses to thoroughly embrace the act. The fact that amendments are available is a positive step that could provide opportunities for the government to consider programs to further encourage the private sector to adopt barrier-free access as part of their mission. These incentive programs could include financial support for pilot projects to demonstrate success, or possibly a province-wide recognition program.

As previously mentioned, Tourism Toronto is committed to attracting tourism to Toronto. Furthermore, Tourism Toronto is committed to attracting persons with a disability, their families and friends to enjoy this fantastic city. What is important for our organization and members is that we can promote our city to the disabled community with confidence.

The announcement of Bill 125 is good news. Although not perfect, this bill will pave the way for greater things to come for persons with a disability, both living in and visiting Toronto and the rest of Ontario.

0930

The Chair: We have three minutes per caucus. We will start with the official opposition.

Mr Parsons: I applaud you for it. I note that in the second paragraph you say "reaching a benchmark that will only become stronger as time goes on." I couldn't agree more. Every presenter to this stage has said there's nothing in the bill, so anything, of course, will be stronger.

I note on your last page "does not provide specific guidelines to the private sector." The comments we have heard to this time from the presenters have been, not that they can't get a hotel room, not that they can't get in as tourists, but that they can't get in the grocery store or they can't get to the doctor. There's no one to interpret for them when they're at a doctor's or at a hospital. They can't get a place to live.

You're actually the first group that's come forward—it just strikes me as ironic that what you're doing is great for the people from the US who are used to the Americans with Disabilities Act. Clearly it must have worked for them because they're used to it and they've found it everywhere. But for the citizens of Ontario, the frustration is getting into the mall and getting into an apartment building.

How do you see it being made so there is an assurance that a person can have accessible accommodation or accessible doctor's care? I appreciate that your industry—and bless you for it—has made the decision to go forward on your own, but what would you suggest we do to make the rest of the private sector follow?

Ms Smart: I think we're a really good role model. I think what we're doing, and the more we do with regard to providing additional opportunities in the area of tourism for persons with a disability, will only influence others around us.

Mr Parsons: What would your reaction have been had it been mandatory that your industry be accessible?

Ms Smart: I feel it's really important to have choice and I really believe there have already been, as Mr Seiling indicated, some tremendous success stories out there, and the snowball is getting larger. I believe it's important for our province and the people in our province to recognize the need rather than being forced at this stage.

Mr Parsons: I also believe it's important that the community of the disabled have choice, that they have choice whether to stay home and choice whether to go to a doctor. They don't have that choice, and if the phasing-in takes—I'm coming on much stronger than I want to—another five years, we're in fact saying to some people, "If you can wait five years to get to a doctor, we might have something available for you." That's the frustration we're hearing out of the rest of the communities.

Mr Martin: Thanks for coming this morning. I appreciate the crossover in your own experience from the

March of Dimes to working for the private sector and the sensitivity that would bring with it.

I want to focus for a second on your third-to-last paragraph where you, I think, very frankly and honestly say that the bill doesn't provide specific guidelines, so there's little incentive, and your hope is that there are amendments that may come forward that would improve the bill. Also you speak of incentives. Would you care to elaborate on what amendments and what incentives you might be speaking of?

Ms Smart: Right. I think I mentioned actually, further down in that paragraph, a couple of examples. As I mentioned earlier, they could include financial support for pilot projects to demonstrate success or possibly a province-wide recognition program. Given that there is a lot of volunteerism with regard to this act currently, this industry may take note or may come forward with greater impact if there was an incentive program included.

Mr Martin: Do you have any suggestions as to amendments we might make that would improve the act and make business embrace it more fully?

Ms Smart: I would suggest that time frames are really important, in terms of being clear, in terms of certain benchmarks that need to be put in place and certain time frames that go along with those benchmarks, so there's a clear vision for people to follow.

Mr Martin: I asked this of Mr Seiling as well. In terms of employment in the industry, what's going on there and will this act make it more helpful to those with disabilities to get employment within your industry?

Ms Smart: I absolutely think there are all sorts of possibilities. In terms of possibilities currently, Tourism Toronto is setting the foundation with regard to encouraging further access, both physically as well as attitudinally, with current staff in the industry and with actual buildings. What will happen is that there certainly will be a spinoff.

Having worked with the Ontario March of Dimes for years, I was very much involved with the employment services program there and intend within the next year to see if we can create some possibilities and some partnerships to include tourism as a possibility for people going through that program.

Mr Ernie Hardeman (Oxford): Thank you very much for the presentation. Just for clarification, is Tourism Toronto an organization that is part of government in Toronto or is it an association of the tourist industry?

Ms Smart: We're a not-for-profit organization that's an arm of the city.

Mr Hardeman: You have no connection with the city proper, government in the city?

Ms Smart: That's right.

Mr Hardeman: As you will be aware, the act has advisory committees to advise municipalities over 10,000 on suggestions, on approaches to meet the needs of the disabled in the municipality. Could you give me some idea of how that would work within your membership? Would such a committee be helpful or do you believe your members are in a position to be able to do that for

themselves? Mr Seiling mentioned earlier that the industry itself was moving ahead, and likely moving ahead faster than an advisory committee would ask that they do. Do you see that the same with all your members?

Ms Smart: I do. We have representation from our board with regard to this particular program and the board speaks to these issues regularly. Also, as I mentioned earlier, I've developed a product innovation accessibility committee that is quite proactive with regard to speaking to various issues that relate to tourism and accessibility in the city. I'm not sure if I'm really answering your question.

Mr Hardeman: Do you believe we need another body to help the industry achieve the goals you've set? As an organization, do you do enough of that to make sure all your members are moving along at the same speed and are going to achieve the goal you've all set?

Ms Smart: I think we're actually doing a pretty good job currently. We send out regular communication. We really encourage the membership via many means of communication to get out and consider possibilities with regard to this program. We also work very closely with the Greater Toronto Hotel Association, which as you heard earlier is doing tremendous work in this area. So I feel that at this stage of the game we're in a good position.

Mr Hardeman: The other thing coming forward quite strongly is that the industry, because it's the good business thing to do, and obviously the business of the disabled well warrants making business establishments accessible to them—what is it in this act that would encourage you to go further? Obviously the industry is moving ahead with that because it's the right thing to do, but also because it's the good business thing to do. What will this act do that will make that move better or faster, or will it in fact have an impact on the industry?

Ms Smart: I think this act is an historic piece. It speaks very clearly to our province moving forward and providing opportunities for persons with disabilities. It can only reinforce what we're already doing and will continue to do. That's why this act is so important.

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

0940

TORONTO ASSOCIATION FOR COMMUNITY LIVING

The Chair: Our next presentation is from the Toronto Association for Community Living. I would ask the presenter to please come forward. On behalf of the committee, welcome. You have 20 minutes for your presentation this morning.

Mr Fred Peters: My name is Fred Peters and I am the president of the Toronto Association for Community Living. I would like to thank you for allowing me the opportunity to address this committee on Bill 125, the proposed Ontarians with Disabilities Act.

The Toronto Association for Community Living provides supports and services to over 5,000 individuals with an intellectual disability and, as well, to their families.

We, like so many others, anxiously awaited legislation that would ensure persons with disabilities have equal opportunity to full and meaningful participation in all aspects of life in Ontario. We hoped the government would take advantage of input from the Ontarians with Disabilities Act Committee, from individuals with disabilities and from various agencies to effect groundbreaking legislation that would significantly benefit persons with a disability in this province.

Unfortunately, we were disappointed. The act, as proposed, falls far short of providing the effective protections required by the disabilities community and, in particular, those with an intellectual disability. The act does not ensure the involvement of the private sector. It defines no timelines for prevention or removal of barriers, and permits exemption in the government and public sector without rationale. It establishes an advisory committee, but gives it little opportunity to educate or to influence decisions around disability issues. The act does not define timelines for prevention or removal of barriers and provides for virtually no enforcement or penalty.

However, we feel that with appropriate amendments there is still opportunity for Bill 125 to meet the expectations of the disability community. We would suggest the following revisions:

(1) That the language in Bill 125 indicate a clear intent to effect change. The 11 principles developed by the ODA Committee and adopted by the Ontario Legislature in 1998 contained strong, definitive language such as “ensure that,” “require that,” “comply with” and “will mandate.” This language has been diluted with phrases like “shall have regard to,” “shall seek advice from,” “may establish” and “where technically feasible.”

(2) That the proposed accessibility advisory committee have a mandate that not only advises the minister, but also promotes the development and creation of opportunities for greater independence for individuals with disabilities; reviews policies and program issues on disabilities in government and the community; identifies and addresses major issues related to disability in areas such as health, education, and physical and attitudinal barriers; responds to emerging issues such as lack of housing and employment opportunities; provides advice or comment on specific matters affecting all persons with disabilities; and provides representation to external committees, government or non-governmental, on disability issues.

(3) That, if the committee is to be credible, at least half of its members be appointed by the community, including the disability community. This representation would also specifically include individuals with an intellectual disability.

(4) That the bill include the private as well as the public sector. It is unlikely that “encouraging” the private

sector will be enough to ensure that barriers are eliminated or prevented.

(5) That specific deadlines for identifying, removing and preventing barriers be stated and that effective methods of compliance and enforcement be established.

The ODA committee has developed a brief which includes a detailed set of effective amendments which have wide support from the disabilities community. We would encourage you to review these amendments and respond positively to them.

The potential for Bill 125 is there. With the suggested changes, you have an opportunity to enact legislation which allows Ontario to play a leadership role in ensuring that persons with disabilities achieve full participation in society and to fulfill the government’s commitment of “a promise made, a promise kept.” Thank you.

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

Mr Martin: Thank you very much for coming forward this morning and for the obvious effort that went into putting together this brief.

As you know, this is our third day. We’ve been on the road for a couple of days, and much of what you present we’ve heard from other organizations across the province. You’ve stated I think very clearly here that your hopes have not been met in terms of the bill and that it lacks in some very significant and meaningful ways. However, you’re not going so far as to say that this is a bill that is completely unredeemable. Is that correct?

Mr Fred Peters: I don’t recall having used the word “unredeemable.” It seems to me that I did make reference in my remarks to the extensive brief prepared by the ODA Committee and to the 11 principles which were adopted by the Legislature in 1998.

It seems to me that using those two documents as a reference point, suitable amendments could be made which would satisfy the intent of the brief filed by the ODA Committee as well as the 11 principles previously adopted by the Legislature.

Mr Martin: If there are no amendments made, if no suggestion that has been brought forward is accepted by the government as making an improvement to this bill, how effective will the bill that’s presently tabled be in achieving some of what you had hoped and is needed?

Mr Fred Peters: It’s difficult to forecast the impact of a bill yet to be determined. Our view would be that the bill would not move the yardsticks far enough down the field, as the 11 principles initially intended, that with the amendments proposed, we think we would have a better piece of legislation that would significantly improve the opportunities for the disabled community in Ontario.

Mr Martin: This bill is being hurried through, as I think you can probably see. It will be done, for all intents and purposes, by next Tuesday. We would have preferred to take the time in the intersession, which is the normal way we do things around here—January, February, March—to have full and comprehensive hearings and to

have the time to work together with all the groups, including those who support this, to make necessary amendments. Given the short timeline and the limited opportunity we will have on this side to support and encourage the government in terms of amendment, what would be the priority for you if change was to be made?

0950

Mr Fred Peters: I would think, in the first instance, move away from broad statements of intent to specific desired outcomes. As I mentioned, in one of the four proposed areas for amendment, the language had been moved and diluted from rather strong, in my view, actionable statements to broad statements such as “encourage the intent” and so on and so forth.

My second view would be that there should be specific outcomes which should be mandated. There should be obviously a way of measuring those and there should be some compliance and enforcement mechanism.

Mr Hardeman: Thank you very much, Mr Peters, for your presentation. Just very quickly—my colleague Mr Spina wanted to ask a question too—in number 2 of your presentation, things the advisory committee would have a mandate to do beyond what is suggested in the bill, I think about the second and third bullets, “identifies and addresses,” and the other one is “responds to emerging issues”: I wonder if you could tell me how you would see the ability to address, as a committee, problems that would be identified in the community. Do you address by mandating that they could force others to do it or that they would actually be in the business of doing it?

Mr Fred Peters: My sense would be that the advisory committee is that, an advisory committee, but yet, as it became aware of issues, it should bring that to the attention of the government through its mandate as an advisory committee. Advisory committees traditionally have not enjoyed any legislative authority but they have been very effective, at least in my experience, in bringing issues to the government and in some cases providing suggested remedies to the issue. So I think it would be more in the context of being able to respond to issues in a local community that in their judgment affect those Ontarians with disabilities—

Mr Hardeman: So you’re inferring that it should be a very good communications system between the appointer of the advisory committees and the advice they’re giving.

Mr Fred Peters: And my sense is that the advisory committee would provide, in this case, the minister with informed advice on what would be an appropriate response to an emerging issue. I think that’s the context in which that comment was made.

Mr Spina: Thank you, Mr Peters. What I wanted to bring to your attention, and it’s a brief question, actually, that you referred to in the third element on your fourth page, is that if the committee is to be credible, it would specifically include individuals with an intellectual disability. That falls in line I think also with the other definitions of the number of disabled people who ought to be specifically identified.

Also, with respect to Mr Martin’s comment, we fully anticipate that we should have some 75 personal presen-

tations to the committee over these six days of hearings, and probably we’ll have doubled that just with submissions that have been sent to us. From that, we will be making amendments, likely, to the bill.

But they make it sound as if, once the bill is passed, everything is done and that’s it, which is not the case, in fact, because with any legislative bill there are regulations that are to be created afterwards to implement the bill. We just have to make sure that the clauses in the legislation allow those regulations to be created. We’ve been assured by the minister’s office that there will be stakeholder consultation in the creation of those regulations so that items like timelines, the adoption of codes, contents of the plans and policies and criteria to identify agencies preparing some of the accessibility policies can all be laid out in the regulations. The stakeholder groups will have a further opportunity to input to the minister’s office at that point. I guess I’m asking, what group would you recommend to be consulted as part of that regulatory process?

Mr Fred Peters: I think the very various groups that have come before this committee would be an ideal group of agencies and individuals from whom to solicit comment and/or participation on the drafting of appropriate regulations.

I would, though, like to respond to one point that you made in your remarks, that clearly one cannot do by regulation that which is not allowed by the act. So the act obviously provides a statutory framework which governs the drafting of regulation. It seems to me, for the sake of discussion, that if the act contains broad-based statements that, while encouraging, do not speak to outcome or result, including a timeline enforcement penalty, then by definition the regulations will be equally high-level and will probably, I would think, be more process-based around how these certain activities will take place as opposed to saying that the act allows for the imposition of a penalty for non-compliance against a mandated service. A penalty could be established by regulation. So while there’s obviously a proud history in Ontario of developing regulation through a broad-based consultative approach, the content of the regulation is informed by what’s in the statute. If it’s essentially a process-based statute, then by definition the regulations, however broadly based in terms of consultation, will not solve the problem at least of some of the issues I have raised in the brief.

Mr Spina: Thank you. We appreciate that.

The Chair: I have to go to Mr Parsons.

Mr Parsons: Yes, you’re quite correct: the regulations cannot change one bit of the bill. There is a craziness in that the consultation on the bill has been very hurried and we’re hearing from people who simply weren’t able to get a presentation in place, yet there may be a much longer consultation on the regulations, which can’t change the bill.

You’re an optimist and I admire you for that, but I guess the concern I’ve heard so far, and a concern I have personally, is that the government could have chosen to

follow the 11 principles and did not. The government could have chosen to incorporate the private sector and did not. They could have chosen to put funding in for this and they did not.

If in the very short time allowed the government does not allow any of the amendments or suggestions that you've included, if they do not include one of them and simply pass the bill as presented or with some very minor things, does it then help the community you work with or does it hinder, by giving the appearance to the public, "There's now a bill; what's the problem?" Is a non-amended bill a good thing or a bad thing?

Mr Fred Peters: That's a rather difficult question to answer. Clearly, the government has decided that the area requires some legislative intervention. In our view, the 11 principles adopted by the Legislature in 1998 established a conceptual framework which in our judgment should drive the drafting of the legislation.

The government has chosen a different way. My sense, to be frank, is that legislation of this type deals with rights, so any legislation that begins to reinforce or expand the rights of the disabled community I don't think in fairness can be described as a hindrance. My only view is that it is not, as it should be, to fully establish those rights in what I would define as a well-understood and integrated system of statutory provisions governing access and accessibility issues for the disabled. As I mentioned in my remarks, the bill can be improved and we have proposed areas where in our judgment, consistent with the 11 principles, amendment could be made I think without any particular danger.

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

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CANADIAN NATIONAL INSTITUTE FOR THE BLIND

The Chair: Our next presentation is from the Canadian National Institute for the Blind. I would ask the presenter to please come forward and state her name for the record. On behalf of the committee, welcome. You have 20 minutes for your presentation this morning.

Dr Penny Hartin: Good morning. My name is Penny Hartin and I'm the executive director for the Ontario division of the CNIB. Don't worry, this isn't as long as it looks. It's very large print.

The Chair: You have 20 minutes.

Dr Hartin: Yes, that's right. There are only four words per page, so it should be fine. I have provided you with a copy of my document but I'll just review it with you, if I might.

As the principal service organization providing a wide range of specialized rehabilitation and support services to some 50,000 blind, visually impaired and deaf-blind Ontarians of all ages, the Canadian National Institute for the Blind would like to thank Minister Cam Jackson, Minister of Citizenship, and the government of Ontario

for the initiative you have taken to begin to remove the barriers faced by persons with disabilities in Ontario.

The introduction of the proposed Ontarians with Disabilities Act, Bill 125, is an important first step in the identification of barriers and the development of measures to remove and prevent new barriers. We feel that the bill in its present form does have a number of shortcomings. However, we also believe that an effective Ontarians with Disabilities Act, together with some of the excellent programs that are already in place, such as the assistive devices program, will position Ontario as a progressive leader in addressing access issues faced by persons with disabilities in this country. Of course, we would also want to ensure that present services and programs are maintained and enhanced as part of the process of achieving a barrier-free Ontario.

The CNIB acknowledges that some helpful measures are contained in the proposed legislation that have the potential to address many present and future issues in the identification, removal and prevention of barriers, such as the requirement for published accessibility plans, the creation of advisory councils and the commitment to ensure that all new government facilities will be accessible.

Our agency does, however, have some significant concerns that we believe need to be addressed as amendments to the legislation in order to ensure that the bill will address the needs of persons who are blind, visually impaired or deaf-blind. Some of our concerns relate to how the legislation will identify, remove and prevent barriers for our blind, visually impaired and deaf-blind consumers. We will deal with these first in our submission. We will then bring forward some general concerns about the legislation in terms of its mandate, coverage, implementation and overall effectiveness. In these cases we will offer wherever possible suggestions for changes or amendments that we believe would strengthen the bill's effectiveness.

We also wish to express our support for the ODA coalition, of which we are a member and have been an active participant. While our CNIB submission will focus primarily on our specific comments and recommendations, we share the concerns and endorse the proposed amendments that have been set out in the ODA coalition brief.

Clearly we understand that it is neither possible nor practical to present legislation that purports to remove all barriers in all sectors immediately or even in the short term. There are many factors that dictate a staged approach to implementation would be more effective. It is, however, important to ensure that these changes and amendments that are necessary to address both short- and long-term issues with the bill are incorporated into the legislation.

Some of our proposed amendments that would improve the removal of barriers for persons who are blind, visually impaired or deaf-blind: it's important to recognize that accommodations that remove barriers for persons who are blind, visually impaired or deaf-blind can vary depending on the nature and degree of visual

impairment or deaf-blindness. As a consequence, it is important to consider the differences as well as the common needs of each of these groups when implementing solutions. For example, signage needs to be both highly visible in terms of size and contrast, as well as tactile or Braille so that it can be accessed both by persons who are blind as well as those who are visually impaired.

Furthermore, the removal of barriers for persons with visual impairments is only partially addressed by the removal of physical barriers. Access to information in the delivery of goods and services is of equal importance to persons with vision impairments. Such access to information will be manifested in a variety of ways, including intervention services for persons who are deaf-blind, or the provision of materials in the alternative format of the person's choice. It is important to understand that formats required will often depend on the extent of vision and/or hearing loss.

We believe it is crucial that there is an understanding of these issues and the factors, including degree of vision loss and/or deaf-blindness, demographics, availability of technology, geography and so forth, that must be considered in accommodating the unique needs of persons who are blind, visually impaired or deaf-blind. We believe this is critical because these factors will need to be considered when plans are developed and implemented to remove barriers in buildings or in accessing goods and services. It is the position of the CNIB that the removal of barriers must include the removal of physical barriers that impede access for blind, visually impaired and deaf-blind persons, as well as the removal of barriers to access goods and services.

The following are some specific concerns and/or suggestions for changes.

In section 2, dealing with the definitions for Ontario government publications, we are concerned about the restrictions implied within the definition, that publications of a "scientific, technical, reference, research, or scholarly nature" would not be included in publications that would be available in alternative formats if requested.

It is our view that government publications that would be made available to members of the general public should also be made available to persons with vision impairments, if requested, in the format of their choice. Given what technology will now allow, virtually all documents would be technically feasible to be produced.

In section 4, government buildings, structures and facilities, we believe that "regulations" would be stronger than "guidelines" in terms of their enforceability. Also, given that the Ontario Building Code Act, 1992, is seriously lacking in its provisions for accessing the built environment for persons who are blind, visually impaired or deaf-blind, we would recommend that the new CSA standard B651—to be released in June 2002—be used as the minimum standard, as it addresses much more effectively the access issues of persons with vision impairments.

In section 4, dealing with new leases, we're concerned that government departments need only have regard to the building's accessibility when making a decision to occupy the building. We believe that compliance with the regulations, or at a minimum a plan for renovation so that the building is in compliance, is critical if new barriers are not to be created.

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In section 6, government Internet sites, the act requires that "where technically feasible," government Internet sites be made accessible. In fact, guidelines for the design of Internet sites now exist that make it technically feasible to make all Internet sites accessible. Therefore, the words "technically feasible" should be removed and it should be required that all government Internet sites be made accessible. Indeed, it's our view that this requirement would be appropriate for other sectors as well, including the private sector, since the technology now exists to do this at reasonable cost.

In section 7, government publications, we believe a specified time frame should be set for the provision of publications in alternative formats, say, 72 hours. The term "reasonable time" could have many interpretations. We are also troubled, as I mentioned before, with the qualification that materials would only be made available if "technically feasible." Since most materials are now produced on a computer, the production of alternative formats is now much easier than in the past. The expectation should be that exclusions would be based on clear criteria established in the regulations with the standard based on undue hardship.

The sections dealing with "Duties of Municipalities" and "Duties of Other Organizations, Agencies and Persons": there are no provisions in these duties to require that publications be made accessible in alternative formats and there are also no provisions that require accessibility of Internet sites. Both of these issues are important to the removal of barriers for persons with vision impairments and should be incorporated into the legislation.

In section 14, public transportation organizations, within the development of their accessibility plans, public transportation organizations in partnership with municipalities should be required to develop strategies to address transportation issues in non-urban centres, as lack of transportation is a very significant barrier for persons with vision impairments who live in the rural areas of the province.

In section 29, the Municipal Elections Act, while the proposed changes are helpful in ensuring that polling stations will be physically accessible and that voters will receive assistance, there is no provision to deal with the accessibility of the ballots themselves. Given that during the last municipal election persons with vision impairments were not able to vote independently and secretly due to the unavailability of accessible ballots in most municipalities, an amendment should be included that requires ballots be accessible and understandable to persons who are blind, visually impaired or deaf-blind.

This in fact is the case for both federal and provincial elections where the balloting is now accessible.

I have some general comments I'd like to make regarding provisions in the act and suggested amendments. While Bill 125 has made some important strides in its recognition of barriers that exist and in developing measures that should assist in the removal of these barriers and the prevention of future barriers, we believe the bill would be stronger and more effective with certain additional amendments.

Purpose of Bill 125: we believe the stated purpose of the bill should be the removal of all barriers for persons with disabilities in Ontario to enable full participation. While we recognize this cannot be achieved overnight, and will require long-term commitment from all sectors, we should still maintain that ultimate goal.

Applicability of the bill: while we understand it is the government's intent to make the bill applicable in all sectors over time, this is not clear in the proposed legislation. The bill would be strengthened by specifying time frames for the inclusion of the various sectors.

Accessibility plans: we believe the development of these plans is a good step in helping to identify barriers and action plans to address these. We are concerned, however, that measures are not included to ensure these plans are implemented. Amendments should be included to address implementation and enforcement.

Government power to exempt organizations: while we recognize there may be times when it will be appropriate for the government to exempt organizations if they can demonstrate undue hardship, this should be a very rare occurrence and exemptions should be time-limited. Consequently the legislation should be amended to include strict parameters regarding the rationale, process and time frame for the granting of exemptions.

Participation of persons with disabilities: the creation of provincial and municipal advisory committees is a good step in ensuring input of persons with disabilities in the process. We believe it is important that the individuals selected to serve on these committees represent groups of or for persons with disabilities, and that there be a requirement they consult with their sectors.

While the legislation states that a majority of members must be disabled persons for the provincial advisory council, this is not specified for the municipal councils, nor is there a provision for representation from the various disability sectors on these councils. We believe this broad representation is important, given the committees' potential involvement in advising on guidelines, standards, plans and so forth, and that the needs of persons with different disabilities can be diverse. We also believe the role of the provincial advisory committee needs to be clarified in terms of its scope, mandate and authority.

Prevention of new barriers: a fundamental objective of the Ontarians with Disabilities Act has been to ensure that no new barriers are created. We believe provisions in the bill need to be strengthened so that this objective may be upheld. This should include new capital projects, leases, purchase of goods and services, and exemptions

to be granted only when undue hardship can be demonstrated.

The foregoing comments and suggestions for amendments are intended to assist the government of Ontario in enacting legislation that we believe, if amended, would have the potential to make a significant difference for disabled Ontarians. Persons with disabilities have a wealth of skills, expertise and enthusiasm that they are eager to share with the government and with their fellow citizens of Ontario. By enacting strong and effective legislation, the province will be providing the impetus, the vision and the tools for Ontarians with disabilities to take their rightful place as fully participating citizens in the life of the province.

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

Mr Spina: Thank you, Ms Hartin; we appreciate it. On page 7 of our copy, you indicated that you recognize that the aim of removing all barriers "cannot be achieved overnight, and will require long-term commitment." There is no question, I think we all agree that we should maintain that ultimate goal. Do you have an opinion on the time frame for implementation? It can be simple enough to say, "Every building built from here on out should have accessibility," but what about a time frame for implementation of retrofits or something like that?

Dr Hartin: I think it would depend on the sector. Clearly the government sector should show leadership, and then municipalities. The private sector will be later.

It's important to recognize that it isn't just building retrofits; it will also be the provision of goods and services. It will be ensuring that application forms are made accessible or, for example, that university calendars be made available. It's not just the building, the physical accessibility; it's also ensuring that other barriers to access be looked at as well.

I suppose that within the development of the accessibility plans, it's a matter of looking at what could be done quickly in terms of retrofit at relatively minimal cost and then putting the plans in place.

We're probably looking at a time frame of five to 10 years, I would think, to have incorporated all the measures that need to be in place to ensure the full removal of barriers.

Mr Parsons: You've obviously spent a great deal of time going through this bill. The title of the bill says it's An Act to improve the identification, removal and prevention of barriers. In your first perusal of this bill, could you identify immediately barriers that you could see that this bill, as it now stands, would remove for visually impaired, blind and deaf-blind individuals?

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Dr Hartin: Certainly the commitment to make government Internet sites accessible was a good step, as well as making sure that most publications would be accessible, although, as indicated, we have some concerns with the qualification.

Mr Parsons: There weren't a lot that jumped out at you?

Dr Hartin: To be honest, it was rather confusing when talking about building accessibility, because it tended to focus on physical accessibility issues, whereas persons who are visually impaired require a range of accommodations. It could include features such as the lighting, the signage and markings on steps as well as some of the other physical barriers. It wasn't clear that the regulations would be broad enough to ensure those barriers would be incorporated as well.

Mr Martin: Thank you very much for coming this morning and for your very detailed presentation. As you're aware, the government is intent on pushing this bill through before Christmas. As a matter of fact, it will be virtually done by next Tuesday. The obvious required amendments that are necessary if we're to respond to the people we've heard from over the last couple of days—and I'm sure today, tomorrow and for the rest of the week—indicate there is a whole lot of work needed to make sure this bill actually does what the minister claims it is going to do.

You've laid out quite a number of very important amendments that need to be put in place. What would your priority be?

Dr Hartin: I think it's important to ensure the legislation be effective and strong. If that means we need to take some additional time to ensure the amendments that are appropriate get inserted into the bill, then I think that should be the priority.

Mr Martin: That we should take more time, that we should take whatever time is necessary or required to make sure we do this right?

Dr Hartin: Yes.

Mr Martin: I'm not sure that's going to happen. I am heartened somewhat that the parliamentary assistant is claiming there will be consultation with the various communities on the regulations. If that's the only opportunity that is provided, I would suggest that you and your group and others make sure the government lives up to that commitment. We've heard it on a couple of occasions here over the last two or three days. We're hoping it's not just more of the platitudinous weasel-word type language that we see in the bill and that has obviously guided the government to this point. I would guess that your organization would be willing to participate with the government in the drafting of regulations, if asked.

Dr Hartin: Our organization would be very happy to provide any assistance we could to assist the government in ensuring that the legislation is strong and effective and that it would address effectively the needs of our consumers.

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

ONTARIO BRAIN INJURY ASSOCIATION

The Chair: Our next presentation is from the Ontario Brain Injury Association. I would ask the presenter or presenters to please come forward. On behalf of the

committee, welcome. You have 20 minutes for your presentation this morning.

Mr Howard Brown: Mr Chairman, members of the committee, ladies and gentlemen, my name is Howard Brown and it is an honour to speak before the committee today on a subject that is very important to our province. I'm here representing over 18,000 Canadians, one third of them here in Ontario, who receive an acquired brain injury.

I am chair of the government relations committee of the Ontario Brain Injury Association. I am pleased to have with me John Kumpf, the executive director of the Ontario Brain Injury Association, and Helen Sieber, whose son Steven is a brain injury survivor who today is on life support at Humber River Regional Hospital here in Toronto.

A few facts about brain injury: acquired brain injury is the leading cause of death and disability in Ontario for those under 45. A brain injury doesn't heal like a broken arm or leg. The results may last a lifetime. So if you consider the thousands injured each year, you begin to get an idea of just how many people live with these effects every day in this province. Brain injury may occur as a result of motor vehicle collisions, falls, assaults, diseases, brain tumours, aneurysms. In fact, motor vehicle collisions are the cause of approximately half of all brain injuries and falls are particularly evident among the elderly and toddlers.

Brain injury does not distinguish itself by age, gender or socio-economic status. It can happen to any one of us here in this room—at work, on the playing field or even as we drive home from this meeting. Chances are at least one person that you work with, know or love has experienced the effects of this injury, and the effects are devastating. No two brain injuries are exactly alike and may range from very mild to very severe.

Brain injury cuts across all disability groups. Because our brain controls all of our functioning, people with brain injury may also have visual, hearing or speech impairments. They may have mobility difficulties requiring the use of a wheelchair or walker. It is very hard for family members, friends and even employers to understand the personality changes that make it difficult to organize thoughts and remember things that once came so easily. These invisible changes present huge challenges to the survivors of acquired brain injury.

The Ontario Brain Injury Association was formed in 1986. Today, we are linked to 24 community groups across the province, with memberships totalling in the thousands. Our 20-member board of directors is made up of survivors of acquired brain injury, family members, professionals, service providers and business people from every corner of the province.

We are here today because we are deeply concerned that all Ontarians have the opportunity to participate as fully as possible in all aspects of life in Ontario. Like many other individuals and advocacy groups, we would have been much more comfortable with an ODA that laid out explicit timelines for the removal of specific barriers.

It would have been comforting to have assurances that these timelines would be effectively enforced.

It is also imperative that the terms of reference for the advisory councils address the following: representation from a full range of disabilities, obviously; the length of term of service; a requirement that all reports be made public; and that the advisory councils be given authority to identify any and all barriers.

We would also recommend that local advisory councils include in their annual reports the barriers they have to achieving their goals. If additional supportive housing or home care or Wheel-Trans are the identified needs of a community, there should be an ability for municipalities to say the lack of funding is preventing them from implementing their plan. Do municipalities have the ability to fund additional home care, additional supportive housing or additional Wheel-Trans? That is a question that needs to be addressed before elaborate plans become another disappointing intergovernmental funding squabble. The challenge of dealing with communities with populations under 10,000 could be addressed on a regional basis.

However, we want to focus the committee's attention on the barriers faced by those living with the effects of acquired brain injury. Brain injury is a unique disability category. It is not limited to any one specific kind of impairment. People with acquired brain injury can live with physical, sensory, cognitive and emotional impairments; in some cases, they may live with all of these. We urge the committee to recommend that acquired brain injury be included in the definition of "disability" in the act.

People with physical impairments must contend with limited access to public buildings, businesses, transportation and recreational facilities on a daily basis. These barriers are readily identifiable. The proposed ODA attempts to address the issue of physical barriers. Similarly, barriers for those with sensory impairments such as vision and hearing are addressed in the act through the use of alternative formats.

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However, the barriers that are faced by people living with cognitive and emotional impairments are much more difficult to identify and address. We speak of attitudinal barriers that often exclude those living with these challenges, leaving them isolated and open to ridicule and abuse.

We recognize that it is very difficult—I'm not sure it's impossible—to legislate attitudes and values. But it is possible to have an ODA that encompasses a comprehensive program of public awareness and education that would move society toward understanding, acceptance and accommodation of people with cognitive and emotional impairments.

I have a few other comments, but I'd first like to turn over the mike to Helen Sieber to tell the story of her son Steven.

Ms Helen Sieber: Good morning. My son Steven was 21 and a half years old in June 1977 when he was hit by a car while crossing the street to catch a bus. He was in a

coma for three and a half months in Humber Memorial and Queen Elizabeth hospitals. When he awoke from the coma, he was transferred to Baycrest Hospital for rehabilitation, where he spent two years.

He was going into third year at the University of Toronto in computer science. He had a summer job at Solway's hot dog factory in North York. His brain injury has affected his speech, personality, temper and balance, and he still cannot stand or walk. He lives on the income from the insurance settlement which will totally run out in about two and a half years. His father is 75 years old and I am 67 years old and arthritic.

For the last seven years, Steven has lived on his own in a self-contained, non-profit disabled apartment. He got around on a scooter. Steve is now 45. For the last couple of years, his lack of balance has caused him to fall a great deal. Last Thursday was the worst. He had agreed to come and speak to this committee. He never got a chance.

We had arranged for him to have a homemaker who comes in once a week to clean for him. She found him on the bathroom floor, face down, unable to move, slurring his words very badly to the point that no one could understand him. The right side of his face was terribly swollen and his right eye totally closed. An ambulance took him to Humber River Regional Hospital, where he is now.

Yesterday, he was having trouble breathing and last night he was put on life support. If he survives, he will not be able to live on his own any longer. He will need 24-hour assistance and should be placed in a group home, or whatever they have for people like him.

Up till now, he was able to do his own banking, shopping and heating up of his own food, but that will not happen now. All I want to know is, can we get him a place to live with the support and care he needs? He's too young for Baycrest. Westpark Hospital is totally rehabilitation, so they won't take him. I don't know where to turn. I laughed when I heard the only specific regulation in the ODA bill was an increase in fines for disabled parking spots. I can tell that won't do much to help my son.

I wish you luck in your deliberations. It may be too late to help Steven, but I hope my words will inspire the committee to do some serious thinking about how the ODA could be amended to truly meet the needs of disabled people in this province. I hope the municipal and provincial committees will have the ability to address the long-term well-being of disabled people.

Mr Brown: I think what Helen said helps put a picture to the words. There are many issues that brain injured people live with every day. In Steve Sieber's case, living with such a severe injury illustrates his need for appropriate housing, home care and support. For many others, their disability is not so obvious, leading to misunderstandings that impact daily on their lives. They effectively limit the disabled person's participation in family life, community activities and employment opportunities.

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

The Ontarians with Disabilities Act attempts to address physical barriers faced by those with disabilities. It falls short of its goal of supporting 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 through the removal of existing barriers.

As a preamble, the ODA would be wise to include the 11 principles set out by the ODA Committee as goals of the act. We have not had enough time to fully analyze this bill and consider all of its implications, but after preliminary consideration we can recommend the following: (1) that the definition of "disability" must include brain injury in its description; (2) that explicit timelines be prescribed for the removal of specific barriers; (3) that the bill have an effective mechanism for enforcement; (4) that the role and authority of the advisory councils be clearly defined, its reports obviously made public and that the disability community have real, meaningful input; and (5) that the bill make provisions for the allocation of resources to raise public awareness and education of the issues faced by those with disabilities. The goal would be to foster greater understanding, influence attitudes and work toward the reduction of attitudinal barriers.

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

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

The Chair: We have one minute per caucus, and I'll start with Mr Parsons.

Mr Parsons: I'm trying to find the right words to phrase this and be sensitive. I guess my question to Helen would be, as a parent, one of your greatest concerns, if not the greatest, must be that if you and your husband go first, your son have the highest-quality life possible for him.

Ms Sieber: Exactly, yes.

Mr Parsons: Does the bill, as presented, give you some assurance that that will happen or not?

Ms Sieber: I don't know. I really don't know. I have not had that much time to think about it because we're so concerned with him right now. I'm going to the hospital from here. So I don't think I can answer the question.

As far as my husband and I are concerned, that is a great worry with us: if we go first, what will happen to him? The government will have to take over somehow.

Mr Parsons: The government has to meet the incredibly high standard of parenting that you have established.

Ms Sieber: That would be nice, yes.

Mr Parsons: I don't think it should even be nice; I think it should be an obligation on the part of the government.

Ms Sieber: Yes.

Mr Parsons: I personally am concerned. My wife and I are in a situation somewhat similar to yours. The number one concern is what happens when we're gone. I need the assurance, and you need the assurance that your son will be looked after.

Ms Sieber: Yes, that's correct.

Mr Martin: I have to tell you, I'm struggling with this bill and why it is that the government, on one hand, would say such wonderful things and lead us to believe they were going to do some things that would provide the kind of access and opportunity that it indicates it wants to, and, on the other hand, not put specific timelines and requirements in the bill. The only thing I can come up with is that because in either the public sector or the private sector the bottom line seems to be money, will there be the resources available to actually meet the timelines or the specific requirements?

Trying to put this in some context, we have a government here that is bound and determined to deliver corporate and personal tax breaks to people, and we know that every time they do that, they take money out of the public pot that could be going to providing the kind of housing and support services that your son needs and that so many of the brain-injured across this province need if they're going to participate in as fulsome and complete a way as possible. If you had an opportunity to speak to this government, as you have this morning, around that issue, the provision of resources, and they're making a decision now as they move toward a budget for next year whether they actually give more tax breaks to corporations and people or put more money into the provision of public services for some of the people you represent, what would your recommendation be?

1040

Mr Brown: I'd like to hear from John. John has had the chance to travel the province and talk to families, but I think generally our constituency would say let's put it into the resources we need for supportive housing, home care, Wheel-Trans, whatever, to make sure these things are addressed. I know it's not addressed in the act, and it is of great concern to us. I don't think you'd have a lot of arguments from our constituency that that's where they want the money to go. Maybe, John, you could comment on it as well.

Mr John Kumpf: Certainly. As I travel around the province and talk to survivors of brain injury and their families, we know there are an awful lot of people who are still looking for treatment. They are still looking for services. There are long lines waiting for services, particularly where those services are only available through the CCACs.

I think the issue Mr Parsons has brought up about aging caregivers is one in which we are seeing an absolute explosion in terms of the numbers of calls we're getting to our office from people who are saying, "We are just preparing our will and it suddenly dawns on us, what happens to Bill, what happens to Joe when we are gone?" For some of them, I ask, "Are you connected and getting services through a CCAC?" For those who can answer positively, you at least know there is somewhere that person is appearing on someone's radar screen.

For a great number of them, I have to tell you that they have been looked after in their homes for years, and dozens of years, by caring parents and they say to me, "What's a CCAC?" They are getting no services. There is a great population of disabled people out there who've been cared for by loving families and they're going to become someone else's responsibility in a very short time. It's a major issue that is not addressed either by this bill or in any other way that we can see.

Mr Hardeman: Thank you very much for your presentation. I think it is a major problem, particularly for a mother coming forward, speaking about a son with the problem. I would say that isn't a problem just for the brain-injured; it's a problem for all adult children who have aging parents. When they were young, we all thought we would live forever, and all of a sudden now that's not the case. I think that's also why the Minister of Finance put a considerable sum of money—and I don't have the numbers here—in the budget last spring to try and deal with adult children of aging parents. We hope that will assist in dealing with that issue for Steven.

I want to say, in my community we have similar problems with adult children, one whom I've been quite actively involved with just recently, and I know it's not an easy problem.

We've had a number of presentations from the Ontario Brain Injury Association in previous hearings and the one item that comes forward every time is the definition of "brain injury" in the act, and it makes a lot of sense. My question on that one would be, can we define it? As you mention in your presentation, there are so many affiliated or associated problems that could exist with it where they would fit another category. Can you define "brain injury" as a category of need as opposed to a contributor to a category of need?

The Chair: Question? We're running out of time.

Mr Hardeman: The other question is, how would you put forward the communication to try and get the public to understand this as a medical problem as opposed to, as you almost indicate, shunning the issue? How would we go about doing that in legislation?

Mr Brown: John, do you want to take that?

Mr Kumpf: I think, first of all, we have the accessibility advisory councils. These councils could be given some scope to devise these things, with input from specific organizations such as the Ontario Brain Injury Association. But I would suggest to you that it's a much broader question than just brain injury when we're trying to attack attitudinal barriers. I think people who are

concerned about mental health, people who are concerned about developmental issues and so on, all face the same kind of attitudinal barriers, and until we remove those, ladies and gentlemen, the removal of physical barriers is going to be a very limited response to the needs of the people of Ontario who are living with disabilities, particularly those that are cognitive and emotional in nature.

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

NATIONAL FEDERATION OF THE BLIND: ADVOCATES FOR EQUALITY

The Chair: Our next presentation this morning is from the National Federation of the Blind: Advocates for Equality. I would ask the presenter to please come forward. On behalf of the committee, welcome. You have 20 minutes for your presentation this morning.

Mr Gordon Dingle: My name is Gordon Dingle and I'm delighted to be here. I would like to thank the Chair and the committee for this opportunity of addressing the matter of Bill 125, the proposed Ontarians with Disabilities Act, and of submitting this presentation to you.

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.

The NFB AE, National Federation of the Blind: Advocates for Equality, is a national organization of blind, deaf-blind and partially sighted Canadians. Our mission is to achieve full inclusion of visually impaired Canadians in terms of achieving a quality of life and equality of life that is accorded all Canadians. Pointedly, because of the unique nature of the needs and issues of our community, it is essential that we, as consumers, as citizens, be full participants in the decision-making processes, in contributing to the development of appropriate and acceptable strategies intended to redress the shortcomings of current systems and/or policies.

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 before you. Today Ontario is under the lens of her sister provinces and all disabled Canadians. Unfortunately, Bill 125 in the current form falls significantly short of effecting full inclusion of Ontarians with disabilities. We would, as do others, reaffirm the need for mandatory and enforceable legislation with the necessary sanctions to ensure full compliance.

Society has failed to provide all citizens equal access and/or participation to the maximum extent possible. To many in the disabled community, their families and their friends, there is the question, what agenda is driving governments? Is it an economic one or a democratic one? Which carries more weight, and why? What will it take? The notion of inclusion, which surfaced some years back in different shapes, has matured and is socially acceptable publicly even more so today, as evidenced through

levels of participation and support in various polls. What is the greatest obstacle? The redefining of priorities, accessibility and participation, and the lack of political will.

Governments, as signatories, have embraced inclusion of Canadians who are disabled as pre-eminent in the social agenda. Moreover, the inclusion should apply, relative to needs, to all segments of society. Integral to this is the development of legislation not only promoting lofty principles, but also entrenchment of regulations and standards as societally collective obligations, including those related to employment in the private sector and enhanced income supports. Some of the finest minds in jurisprudence in Canada have said it must be so. It must be acknowledged that voluntary measures are an anachronism.

This initiative and the Ontario government's accountability could be measured in its correlation to implementing the values and principles espoused in the social union agreement and the emerging frameworks of proposed models for achieving full inclusion and participation of disabled Canadians. Ontario is a signatory to this. 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 that a proactive, as opposed to passive, commitment has always effected positive societal change. It is also worth noting that Canada is signatory to a number of international agreements addressing social issues. These could have been scrutinized with a view to Ontario formalizing some of the elements contained in those commitments within Bill 125, as a precursor to federal initiatives.

1050

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, of the municipal advisory committees as vehicles through which these collective obligations can be fulfilled.

The NFBAE in principle endorses the amendments put forward by the ODA Committee in most respects; in particular, as they pertain to the development of regulations, standards, clarifications and additions as defined in the submission of the ODA Committee. Our own views on a few are presented below.

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 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 and 7 and/or any other section may be interrelated or independent, and not knowing relevant provincial regulations with regard to procurement poli-

cies, we would propose an additional clause to section 5, and it would have a relationship to section 8:

"The government, in adhering to the principles of procurement and accommodation for employees, shall ensure that any/all aids, devices or materials must be universal in design, so as to be usable by anyone."

We would also propose the following be included specifically under section 7:

"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 policy to the contrary exists. Exemption: when the private sector is not able or willing to undertake the work."

In section 19, we propose the inclusion of the following under clause 2:

"Members

"2(b) Any person(s) directly or indirectly an employee of the Ontario government—exception, ADMs—(as defined in amended section 8), or organization(s) or person(s) directly associated with said organization(s) that receive direct sustaining grants/subsidies/contracts are ineligible for formal membership to the council (exemption, the Trillium Foundation). Said person(s) or organization(s) 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 said organizations.

"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, items (a) through (h).

Under "Remuneration and expenses," we propose to delete "may" and replace with "shall" so that it now reads:

"(3) The minister shall pay the members of the council the remuneration and the reimbursement for expenses that the Lieutenant Governor in Council determines."

Finally, we would concur with the proposed amendments of the ODA Committee referencing "Resources."

Quite candidly, the process in the development and fruition of this bill has been flawed. Why? Because there have been woefully inadequate formal consultations, or any kind of forums with the disabled community, in its formulation by 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 sectors.

Ontario has always prided itself on being in the forefront as leaders in our great country. Before you today, as

our elected leaders, you have an unparalleled opportunity of shaping the future not only of Ontario but of Canadian society, establishing a benchmark for all our sister provinces and even for the federal government. At the risk of incurring the ire of both government and our colleagues, we urge the government to postpone third reading.

We would ask the government to apply the necessary resources to sponsoring an assembly of representatives from the disabled community from across Ontario. This would be a forum where both sides could present their positions and hopefully achieve a consensus in the bringing forward of an acceptable Ontarians with Disabilities Act.

On a final note, I was speaking last night with a colleague of mine with the Canadian Council of the Blind, who is president of the Ontario division. He unfortunately will not be able to make a presentation due to not getting back with a confirmation in time. He has asked me to express their concurrence with many of the views we have expressed here.

The Chair: Thank you very much. We have approximately two minutes per caucus.

Mr Martin: I'll start at the end of your presentation. Regarding the forum you suggest and the bringing forward of an acceptable Ontarians with Disabilities Act, are you saying this bill is not acceptable?

Mr Dingle: The framework is there but it needs to be strengthened. No, it's not acceptable in its current form.

Mr Martin: I appreciate your comment regarding the time, the hurrying of this thing through, the fact that a number of people won't be able to participate. I believe there was a long list for Toronto today and tomorrow of people who would have liked to have appeared, but they're not going to make the list because there are just too many. It has had to be pared down and that's unfortunate.

I want to go back to one of your recommendations, if you don't mind, on page 4, because I'm not sure exactly what it is you're getting at. It's the last recommendation, where it talks about procurement. I'm just wondering what you want to accomplish with that.

Mr Dingle: I believe that was in reference to section 7, which is the provision of publications. That is an attempt to protect the business sector. One of the initiatives that has been undertaken is to develop within the disabled community an entrepreneurial ethic. Many disabled persons have started out with their own businesses and are in a position to offer services that would be available to the government and do not need to be in a competitive market with non-profit charitable organizations.

Mr Doug Galt (Northumberland): Thank you for the presentation and the thoughtful comments you have in there. I'm curious if you can maybe help enlighten me on the difference—there's the Canadian Council of the Blind and there's also the Canadian National Institute for the Blind—on the roles the two play to assist our blind disabled people.

Mr Dingle: The distinction between the two organizations is that the National Federation of the Blind:

Advocates for Equality and the Canadian Council of the Blind are two of the largest consumer organizations in Canada. For all intents and purposes, and to use an old cliché, we are the blind helping ourselves. We are a self-help organization. The Canadian National Institute for the Blind are service providers, and in effect, in the type of bill we would hope the government would bring forward, they would be subject to the same conditions and terms under the regulations and standards developed within such a bill.

1100

The Chair: You have time for a very quick question, Mr Spina.

Mr Spina: Thank you, Mr Dingle. Even with the criticism of the short time frame, you brought forward some very specific amendments and I congratulate you for that. I would make only one suggestion: if we don't get third reading by Christmas, we run the risk of losing this bill and not setting the example that you indicate we could set to our sister provinces.

We appreciate your input and remind you that there will be a number of months where stakeholders will have the opportunity to have input into the regulations, which can better define the implementation processes and do what we hope, as you suggested, strengthen the bill.

Mr Dingle: Could I just comment?

Mr Spina: Sure.

Mr Dingle: My concern is that those regulations are not there at this point in time. If, through this committee, amendments go forward to the House that in fact will implement the various proposals and amendments put forward here, then I suspect we could have a better bill.

Mr Parsons: I continue to marvel that we're going to spend more time consulting on the regulations than we're spending on the bill itself.

What I have learned over the last year on an almost daily basis is how little I know about the individual challenges faced by Ontarians with disabilities. I have found your presentation helpful. I found the individual contacts made with me over the last year helpful.

My question to you: for individuals who are visually impaired or blind or deaf-blind, is the number one challenge or barrier facing you attitudinal or is it physical? Is it the services offered in buildings, the arrangement of rooms and streets and sidewalks, or is it an attitudinal problem in society?

Mr Dingle: I would have to say it's a combination of both. It's access to the kinds of information we need that would allow us to contribute as participating citizens. It's access to information in formats through the government that would enable us to be independent and contributing citizens. Certainly it's attitudinal, but given the kinds of materials we need through our government and the support of our government, we ourselves, within our own communities, are working to break down those barriers. Certainly those attitudinal barriers are there.

Mr Parsons: But without your amendments, you don't see the barriers coming down?

Mr Dingle: No, I don't.

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

CANADIAN PARAPLEGIC
ASSOCIATION ONTARIO

The Vice-Chair (Mr Doug Galt): The next delegation to come forward is the Canadian Paraplegic Association Ontario, William Adair and Michael Clarke. On behalf of the committee, welcome. You have a total of 20 minutes for your presentation, and whatever is left over of that 20 minutes after your presentation will be divided among the three caucuses. The time is yours.

Mr Michael Clarke: My name is Michael Clarke. I am the chair of the Ontario division of the Canadian Paraplegic Association.

Mr Harley Nott: Good morning, Mr Chair and committee members. My name is Harley Nott. I'm the past chairman of the board of directors of the CPA, Ontario division, and the present chairman of the national CPA. You mentioned Mr William Adair as well. He's the chief executive officer of the CPA and he is just behind us in the room right now.

The Vice-Chair: He can join you at the table, if you like. It was just a name I had on my list here. That's why we ask for name clarification as well.

Mr Clarke: We—that is myself, Michael Clarke, and my colleague Harley Nott—are here to make a few comments about the ODA Bill 125 on behalf of the Canadian Paraplegic Association Ontario, otherwise known as CPA Ontario. We would like to thank Minister Jackson and the government of Ontario for providing the opportunity for us to do so.

I am at present the chairperson of the board of directors of CPA Ontario and Harley, as we said, is the past chairperson but is still an active member of the board and the executive committee. Harley is also the chairman of CPA national.

In a nutshell, the mission of CPA Ontario is to assist persons with spinal cord injuries and other physical disabilities to achieve independence, self-reliance and full community participation. We do this through providing peer support, rehabilitation counselling, vocational and employment services, community advocacy, case management, information services and attendant services.

We were founded by young veterans of the Second World War who came home with spinal cord injuries. Because they found communities, environments and prejudices often unsuited and unwelcoming to life lived in a wheelchair, they became pioneers in breaking down such barriers. They had no legislation and often no political will to assist them. However, they persevered, led exemplary lives and provided a legacy which removed barriers and paved the way for legions of adults with mobility disabilities who came after them.

We've come a long way since then. That is the CPA history. But now the government of Ontario has made history and set a precedent in Canada by introducing

legislation such as the Ontarians with Disabilities Act. This is progress and CPA Ontario welcomes it wholeheartedly.

The act is a foundation of law which says that barrier-free access for people with disabilities is a right, not a privilege. It requires government to provide access to its buildings, to its jobs and to its services. It requires municipalities to analyze where they do and do not provide access and create a plan to address these issues. While it does not bind the private sector at this time, it is hoped that this legislation will provide more impetus to the private sector by having the public sector lead by example. Perhaps as public sector access becomes completely commonplace, then lack of access in the private sector will become, by contrast, archaic and embarrassing, thus motivating the private sector to catch up with the community and the world around them.

CPA Ontario is pleased to lend its support to this historic legislation. It is new legislation, untried by the people it affects and untested in practice or in courts of law. Because it is so new and unprecedented, it would be unrealistic to expect it to be perfect or to address every need and desire of every person or group of persons with disabilities. Is there room for improvement? Of course. There has to be, for the reasons just stated. Suggestions for improvement or amendment, however, do not need to be and should not be construed as criticism of the act. Amendments and improvements that do the most good for Ontario as a whole can be achieved through co-operation more effectively than confrontation. It is in this spirit that CPA Ontario wishes to extend a sincere offer to co-operate with the government and Minister Jackson on this legislation to lend whatever assistance it can to help make this work for everyone.

In this spirit, then, of welcoming this major step toward ultimately achieving a barrier-free Ontario and in the spirit of co-operation, CPA Ontario offers the following suggestions for amendments which are consistent with the spirit and the letter of the legislation.

Mr Nott: I will summarize the amendments. I should maybe depart from the script for a moment to say that at first glance we were tossing around ideas of more fundamental amendments: make the act binding on the private sector, put an onus on people to provide disability—show cause, why not, and institute a complaints and appeal process. However, it's our view that this act was drafted advisedly and intends what is said in it. The amendments we're offering are within the parameters of the legislation as it sits right now and not fundamental rewritings of the legislation. They tend more toward enhancing communication and consultation within the act to make it work better the way it was drafted, in our respectful submission.

The first amendment we would suggest is with regard to the advisory bodies and their parent organizations. We would suggest that the Accessibility Advisory Council of Ontario should be expressly included in subsection 4(1) as a body to be consulted in the development of barrier-free guidelines by the government. The government has a

duty to develop barrier-free guidelines and it seems only sensible that they should consult a body with expertise in that area and a body that has the mandate and powers to consult with those who have suggestions and expertise.

The Accessibility Advisory Council of Ontario and people with disabilities should be expressly included in subsection 10(1) as a body to be consulted in the development of barrier-free guidelines by the ministry. The inclusion of people with disabilities in that is significant. That is not presently in the act.

1110

The act should have an explicit onus on municipalities in subsection 11(1) to consult with the Accessibility Advisory Council of Ontario and people with disabilities in the preparation of their accessibility plans. This mirrors the preparation requirements of the government's plan as well. The government is required to consult, and we're suggesting that the municipalities do so as well.

The following three suggestions are along the same vein as that, the same consultation suggestion, but applying to different sections.

The act should have an explicit onus on public transportation organizations, in subsection 14(1), to consult with the accessibility advisory council and people with disabilities in the preparation of their accessibility plans. The act should have an explicit onus on scheduled organizations, which are found in subsection 15(1), to consult with the accessibility advisory council and people with disabilities in the preparation of their accessibility plans. And the act should have an explicit onus on agencies, in subsection 16(1), to do the same.

The next suggestion, number 2 in the document hand-out, is that in recognition of the new and innovative nature of the legislation, the review of the act should be performed after three years rather than five. If this act is having some effect or experiencing some difficulties, that should become obvious within three years, and three years is a period of time which allows the government to institute remedies for any difficulties before they become endemic, as they might after a five-year period.

To ensure that the legislation accomplishes its goals, the description of the accessibility advisory council in section 19, the duties and powers of that council, should be amended to include an explicit requirement. We would suggest that would be clause 19(4)(f), which does not presently exist, to issue a review of the implementation and effectiveness of the current barrier-free guidelines in force. What that is: the government develops guidelines, and then annually the accessibility advisory council reviews empirical evidence and information, drafts a report commenting on the effectiveness and the implementation of those guidelines and provides that report to the government. This will ensure that issues do not slide between the cracks, that the government is current on the operation of the legislation. It seems to be something that's consistent with the existing powers and duties of the advisory council and consistent with the spirit of the legislation.

To ensure public accountability, first, the description of the advisory council in section 19 should be amended

to include an explicit requirement in subsection 19(6), we would suggest, to engage in public consultation in the preparation of its reports and advice. This relates back to the previous suggestion that if the council is going to prepare reports, then there should also be public consultation with not only people with disabilities but people who have an interest in this: government, people in the private sector, business, anybody who might have an interest.

Second, the description of the accessibility advisory committees under the municipalities in section 12 should be amended to include an explicit requirement in subsection 12(4) to also engage in public consultation in the preparation of its reports and advice.

But as you can see, these are not major, fundamental revisions suggested to the act. We're not suggesting that you draft a new act. Rather, in our submission, they're common sense and they're some fine tuning of the act, the purpose of which is to enhance and ensure communication and consultation as this precedent-setting legislation goes into effect. There's going to be a transitional phase. Everybody knows from experience that such phases can be confusing and that issues can get lost along the way. So the suggestions we're putting forward are hopefully to ensure that everybody is going to have a current understanding of how the act is working; that issues that should be brought to the government's attention are; and that the government also has a current body of information to refer to when it's making any decisions within the act. This should improve communication between the advisory council, the community access committees, the public and the government. In our submission, the suggestions for amendments are consistent and within the parameters of the act and should help to achieve its purpose.

Again, we thank you for the opportunity to make our comments and applaud the government for holding these hearings. We'd welcome any questions you may have at this point. If anything needs to be repeated, we'd be happy to do that as well. We'd like to let you know that the Canadian Paraplegic Association Ontario is ready and willing and pleased to assist the government and Minister Jackson in any way it can in the implementation of what is historic legislation. We'll do this in any way we can. Thank you for your time.

The Vice-Chair: Thank you very much for your presentation. We have about two minutes per caucus, starting with the government side.

Mr Hardeman: Thank you very much, gentlemen, for your presentation and particularly your suggestions. It would seem to me, particularly as you start off with your suggestions, that they primarily are things I would have thought were automatic, without writing in that when a ministry prepares a plan, they would consult with the advisory group that was created to help in this initiative. I think it makes good sense to look at that and say if that's not perceived to be automatic, then maybe we should be looking at making sure that it is explicit, that that's what the committee should be doing for the community.

The other one, renewing the review in three years, as opposed to five: I agree with you that as you start implementing it, the major shortcomings will, shall we say, wash out likely in the first three years. But do you not recognize or do you not support the wording of within five years, that in fact it could be done in three? In government circles, three years is not a very long period of time when you look at the fact that it took six years to get here. If you were going to do as thorough a review of the legislation as was done to create the legislation, it wouldn't even be done in the five years. Is there no concern that we can't get it done in three years?

Mr Nott: Just to flip to the other side of that coin, three years may be a short period of time in government circles. However, for people with disabilities and other people who have a stake in this legislation who have been waiting many, many years for it, if something within the act is not working or if there's something pretty important missing from the act, then three years can be a long time to wait. An extra two years on top of that can be a very long time to wait for that even to be reviewed, even to be looked at.

1120

Mr Parsons: I spent half a day in a wheelchair in a community in Ontario and was surprised at the number of places that were not accessible to me. So I'm a little bit surprised at your presentation.

I have two sisters who are Korean. If someone said to them or to me, "You can't go in that store because you're Korean, but maybe five years from now you can go in"—if there was one store in town or one apartment they couldn't rent because they were Korean, I would be up in arms, as would the rest of Ontario.

So I am intrigued that you're not asking for the rights that every other citizen has to have access to private facilities, to have access to residential, to have access to business, to have access to doctors. You've got to tell me, because I just can't figure out why you don't believe the private sector should be involved in this to give you rights that every other Ontarian enjoys.

Mr Clarke: We do look forward to a day where the daily life of someone with a mobility impairment is not vastly different from the daily life of someone without it. By that, I mean that you don't have to maintain a checklist in your head when you're going to a restaurant or visiting somewhere that you've never been before.

The comment about the private sector I think is quite fair. The private sector makes up the largest part of the life of anyone in this province with a disability. Certainly, we look forward to a day when that level of access or the needed level of access is available everywhere we go, public or private. We feel that the government has made a sincere effort to bring forward a piece of legislation that they'll be able to move forward with rapidly and that by doing so, we can dispel some of the fears and misconceptions around access and the cost of access in the private sector. There is I think a fairly widespread fear that it's going to cost the earth, the sun and the moon to allow people with wheelchairs to get

into whatever buildings they want to get into. We don't believe that is true. But to legislate that level of access at this moment seems to be something that governments have been reluctant to do for the past 20 years. So what we see at this moment is an opportunity to move forward.

Mr Parsons: But going into a building isn't a privilege; it's a right.

Mr Clarke: I completely agree with you, and we anticipate being able to exercise those rights in the future. We also realize that this process needs to get started somewhere, and this is a useful start.

Mr Martin: I appreciate the tenor and the tone of your presentation and the respect with which you approach government and seem to want to go a distance to try to understand why they're not being more aggressive in this. Is it acceptable to you that the private sector should simply follow the public sector because it's the right thing to do, as opposed to actually laying down some very hard and fast guidelines and rules and requirements of the private sector to actually do something significant here?

Mr Clarke: Again, I would prefer to live in a society where it wasn't necessary to legislate people into providing a reasonable level of access for everyone who wants to visit their facilities. We have watched successive governments over the past 20 years promise to bring forward legislation and fail to do so. This, we believe, is a step forward and an important piece of legislation that will form the basis of legislation that will someday allow people with disabilities in Ontario to use—

Mr Martin: So it's acceptable for you that because governments in the past have not done it, this government should now also renege on its responsibility?

Mr Clarke: We believe that the government is sincere in its desire to build legislation that people with disabilities can use to increase their access. To kill this bill because it doesn't address every issue that we believe is important I think is short-sighted. I believe that waiting for a perfect piece of legislation will rob us of the opportunity to move forward at this moment.

Mr Martin: You make the point that—

The Vice-Chair: We've run out of time. On behalf of the committee, thank you very much for coming forward. We appreciate your presentation and your thoughtful input.

ANNA GERMAIN

The Chair: Our next presentation is from Anna Germain. I would ask the presenter to please come forward and state your name for the record. On behalf of the committee, welcome. You have 15 minutes for your presentation this morning.

Ms Anna Germain: I'll hang on to the handouts until I'm done so that instead of reading, you'll listen.

My name is Anna Germain. While I address this committee as a lone individual, I can assure you that at the very least hundreds more across Ontario would stand by me in agreement if they could.

Months ago, when I met David Lepofsky and Tony Coelho in Ottawa, I became very interested in an Ontarians with Disabilities Act. After some discussion, I concluded that this would be of significant benefit to all. I saw a good ODA as a progressive idea and thought that it was about time, so I set out to observe any developments and stayed in touch. Quite a while went by before the government seemed to pick up on it. We have before us the sum of Minister Jackson's insights.

Why is an ODA a good idea?

The charter has highlighted a need for respect, equality and access without discrimination. But these are not just handed over or readily incorporated into the daily life of all people who have a disability, particularly a developmental disability. There are human rights and talk of accommodation, but it is often up to individuals to fight a battle to obtain the basic dignity of access to all areas of life. An ODA must protect peoples of all disabilities. Developmental disability must no longer be stigmatized.

I thought that all individuals were valued in Ontario. Barriers are present in all aspects of life; they prevent Ontarians with a disability from participating in the mainstream of Ontario life. How can you participate without adequate transportation, health services, a real education that is properly supported and a real job, for example?

The proposed ODA, Bill 125, presented by Minister Jackson talks of first steps. What on earth does that have to do with taking down barriers? Either you do it or you don't. There is no need for an occasional gate in a continuous fence.

"Disability" does not equal mobility disability. "Barrier-free" does not mean parking fines and door buttons; it is about access, respect and dignity. It is shameful to even dwell at this late date on parking and door buttons. These are very slim pickings. It reminds me of envelope funding, which this government is so fond of. This is like envelope thinking: put just a little in, seal it quickly and watch it leak and underserve.

1130

I have observed the predicament of various individuals trying to get to their destinations. Just imagine yourself having to order your cab a day ahead, waiting for it for any length of time and at times being scolded because you were not there ten minutes earlier. I suspect that most would rebel quickly. Is good access to transport and dignified treatment too much to ask?

Why an Ontarians with Disabilities Act? To effectively ensure to persons with disabilities in Ontario equal opportunity to fully and meaningfully participate in all aspects of life in Ontario based on their individual merit, by removing barriers confronting them and by preventing the creation of new barriers.

There are so many problems with Bill 125. The bill talks of providing opportunities. Such language is light years from ensuring equal opportunity. The only requirement of the bill is for new buildings and new occupancies, while it ignores various needs. It does not ensure

removal and prevention of further barriers in all aspects of life. Annual plans without requirement to implement are nothing at all. It sounds like envelope planning.

Inaction can speak as loudly as actions. Bill 125 will send a message that people with a disability need not be taken too seriously, nor be properly supported or respected. It could easily propagate discrimination.

It seems that the government has redefined Ontarians as units of production rather than individuals valued as human beings. Ontarians' hearts have been ripped out. Tell us, to be valued now in Ontario, what standard must a person with a disability live up to?

The government would be able to grant exemptions from a bill that has no teeth. Overkill, don't you think?

This government loves consulting with stakeholders. As observed, these stakeholders are carefully picked to exclude real advocacy and actual clients and their families. How can standards be devised without the truest stakeholders, actual clients?

I wonder if the government will also entertain implementing a medical model, as in education funding, by labelling and categorizing people by disability.

This toothless bill has no requirement to make regulations, real plans, real access and has no time frames. It has only guidelines and process. Again, like the envelope; empty envelopes.

The bill asks provincial and municipal governments to "have regard" to issues of accessibility. Stop regarding and do something. There are no provisions for appeals, no accountability, nothing to account for, no consequences.

As far as consultations with persons with disabilities, if these brief consultations and this ramming through of a bill are any indication, don't use the term "consultation"—or has this term been redefined also?

About the "Accessibility Directorate": stakeholders are chosen by the minister "to develop codes, codes of conduct, formulae, standards, guidelines, protocols and procedures." Wow, I just had to pinch myself. I thought I was reading about the education underfunding formula. Now there is an example to behold.

The auditor's report has just shown—and I quote from pages 9 and 10: "We concluded that neither the school boards we visited nor the ministry, which was in the process of implementing a multi-year plan to strengthen accountability for special education grants and services, had the information and the processes in place to determine whether special education services are delivered effectively, efficiently, and in compliance with requirements. Our observations included the following....

"Neither the ministry nor the boards had established quality-assurance processes to ensure that suitable programs and services were delivered to students with special needs.

"School boards do not collect and report sufficient, appropriate information on their special education expenditures and service delivery to support decision-making by management and to enable effective oversight by the ministry, trustees, and parents."

What do these and numerous statements in the audit mean? Lack of accountability; lack of efficiency and compliance; the funding formula in its fourth year of failure. The experts are in the dark. It's quite a track record for monetarists, would you not say? Are we to expect that the same government will be full of wisdom with this bill?

A minister's advisory council sounds good, but in practice it's a one-way street going the wrong way. It will not put persons with a disability in the driver's seat. You cannot drive from the rear.

The bill has no enforcement mechanism or any duty to accommodate. While it invokes the code, it does not invoke its duty to accommodate. There must be a penalty for violations thereof; that is, if there were teeth to this bill.

Since the government loves US models, Tony Coelho, who was a House representative, got an American disabilities act passed in 1990. I asked him about key strategies he had used to accomplish this. He responded, "Collaboration throughout with the business community." The business community was a proactive and happy partner and made appropriate accommodations. Perhaps the Ontario business community is being underestimated or kept out of true partnership. Or perhaps all that is wanted is an empty envelope. Tony Coelho also showed how many of the accommodations made for persons with a disability have benefited society and the able-bodied even more.

So many have waited at least five years for the fulfillment of the promise of an ODA. Is this all the government can come up with, a planning exercise that may give an illusion of doing good? What a shame. This bill is a slap in the face to all who waited for real help with dignity and equity. It is an insult to all who, through no fault of their own, have a disability. Why ignore the years of extensive work that went into David Lepofsky's submissions? Did this government think that it would do better in a few short weeks, with only a hint of consultation? Such presumption.

This bill will force the disabled to file human rights complaints when it completely fails them. The evidence in Bill 125 raises the question of whether there is any interest in truly improving the lives of people with disabilities. Is there only a will to appear to have wonderfully saved them all? We'll probably receive a \$6-million flyer to tell us about it too.

Why all this rush and inadequate treatment of serious issues? You've had years to address it. Why shove it through in such a rush? Perhaps waiting till spring would have given it too much air time. It could get uncomfortable in an election year. It could afford electoral brownie points.

This bill is inadequate. It is an offence and a potential injury. Please withdraw it. We are all better off with nothing. Please scrap this awful bill and let the next government treat it with the respect that all people deserve. It is better not to have an ODA rather than this mangled and gutted bill. It does nothing to make life better for the disabled.

The Chair: On behalf of the committee, thank you very much. You've used your entire time.

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CANADIAN MENTAL HEALTH ASSOCIATION, ONTARIO DIVISION

The Chair: We'll ask the next presenter to please come forward. The next presentation is from the Canadian Mental Health Association, Ontario division.

Mr Martin: On a point of order, Mr Chair.

The Chair: I'll get to you in a minute once I'm done. On behalf of the committee, welcome. You have 20 minutes for your presentation this morning.

Mr Martin on a point of order.

Mr Martin: So far throughout this consultation, we've been flexible when people have come close to their time or even gone over and you've given us at least a minute each to ask a question. I'm wondering why in this instance we haven't done the same thing and allowed the last presenter an opportunity to respond to at least some brief comment or question.

The Chair: Mr Martin, I think if you check the record I pointed out that the presenter had 15 minutes. The presenter started at 11:23, and the presenter ended at 11:39. That is 16 minutes. She went over one minute for her presentation. It's not a point of order.

Mr Martin: Well, I would suggest to you, Chair, that if you put the same clock to everyone yesterday—

The Chair: You're not on a point of order. You're out of order, Mr Martin.

I ask the presenter to please step forward.

If you want to take the time off, if you want to recess for 10 minutes and not let the presenter make their presentation—you're out of order, Mr Martin.

I would ask the presenters to please present.

Mr Martin: You're not living up to the spirit of the agreement.

The Chair: Would you please start with your presentation.

Mr Steve Peters (Elgin-Middlesex-London): Welcome.

Ms Barbara Everett: Thank you. Great beginnings.

Mr Martin: The hammer must come down.

Ms Everett: It has.

Mr Martin: We've been waiting two days for it to come down.

Ms Everett: My name is Barbara Everett. I'm the chief executive officer of the Canadian Mental Health Association, Ontario division. With me is Patti Bregman, our director of programs.

The Canadian Mental Health Association has an honoured 85-year history in Ontario. We have 33 branches throughout the province, and we serve about 65,000 people per year who have what is often called an invisible disability. We are very interested in the kinds of discussions we're going to hear on issues of accommodation and attitudinal barriers.

I'd like, at this point, to turn it over to Patti to hit the high points on her brief.

Ms Patti Bregman: Thank you very much for giving us this opportunity. You've got a copy of our brief; I'm not going to read it.

There are a couple of really critical points that I think need to be made this morning.

First, mental health is a disability that should be covered by this legislation. I understand that for some people who have been travelling through the province there has been some question about that. I think the legislation makes it clear and I think the Human Rights Code makes it clear that it is critical that with this legislation—which, to be honest, appears on its face to be primarily directed toward physical barriers—it's essential that we don't lose sight of the fact that mental illness creates psychiatric disabilities that have the same effect as having a step. I'm a lawyer by training, and I can't tell you the number of calls I've gotten from people who are able to work, willing to work and had barriers put in front of them.

With that said, I'm going to spend one minute talking a little bit about our experience, because I think it's important for you to know what CMHA has been doing on its own accord on barrier removal with the private sector, because it will inform our recommendation that the private sector should in fact be covered. Through funding from the Minister of Citizenship, we've got a project called Mental Health Works, which is to develop education and training materials to assist the private sector in removing barriers in the workplace. We are on the verge of signing an agreement with Dofasco and we've got some other private sector partners, but that alone isn't going to remove the barriers.

We've also part of two formal partnerships that have existed for a year now, which are cross-disability, with CIBC and Scotiabank. They are signed, collaborative relationship agreements. They're there because those two banks have decided to put a high priority on removing barriers. We're about to enter into two more agreements with CN and TD. But I can also tell you—and I've had this discussion with them—the reason these agreements came about was not simply, "We're going to do the right thing following the voluntary measures." It's because at the federal level you've got a federal Employment Equity Act that requires compliance, and the banks are currently being reviewed by the commission. You've got a federal commission that's very proactive. They've said to us that the reason we were able to get the highest level of the banks engaged has to do with their legal obligations. It started as a legal obligation; it has now moved to something much bigger than that.

But in listening to all these submissions, we're making a false dichotomy when we say it's either voluntary or by legislation. There is nothing inherent in enforceable mandates on the private sector that precludes voluntary participation. In fact, our experience is that it's those mandates that really encourage people to come to the table. We're not looking to litigate, but we are looking to have barriers removed.

To move on to our key recommendations, I want to start by saying we endorse the recommendations made by the Ontarians with Disabilities Act Committee. I think you'll find they're quite comprehensive and focus on issues of particular importance to people with mental illness, and that's where our focus will be.

The first recommendation is on definitions, and we are actually making a specific recommendation about definitions. It's on pages 9 and 10. You'll see in the recommendation that what we're trying to do is propose a definition that doesn't require labelling. People with mental illness are often labelled, and people who are not mentally ill are often labelled inappropriately. It's the only disability that is defined in a way that suggests you need a medical definition or diagnosis to come under the act, and we think that's inappropriate. That, in and of itself, is stigmatizing and will leave people out.

We're also recommending that you add, as you have in the Human Rights Code, a provision that reflects the fact that there's discrimination because somebody has had a mental illness in the past. There's a huge amount of stigma in society. It makes a lot of misassumptions about people with mental illness, whether or not they currently have that mental illness, so it's critical that the definition of "barrier removal" incorporate the need to remove those barriers that affect people who have a mental illness, who have had one or, in fact, where there is a perception of having one, because mental illness isn't something you see; it's something that comes from within. That's our first recommendation.

The second recommendation relates to the definition of "barrier." The reason that we are recommending this change is that what you've got in there—it's kind of an odd definition that I haven't seen before—says that something's a barrier if it's not an obstacle to somebody who doesn't have a disability. Now, if the intention is to say you don't want everybody in the world to be able to use the fact that it's a barrier to come and take advantage of this—of the Human Rights Code or this legislation—that's fine. But if you leave that in as it's worded—an awful lot of barriers that affect people with mental illness affect a lot of other people—what you're effectively doing is saying most of these barriers will never be affected or removed by this legislation. We think it's a very serious problem in the definition; it's one that's going to cause you a lot of litigation down the road. We've proposed some language which we think may assist you in making an inclusive definition of "barrier" and which goes with the intent of the legislation.

The next set of recommendations relate to the plans. I want to say at the outset that the minister's language has been very good. We are really pleased to see language that is inclusive, that recognizes that barriers exist all over and that they need to be removed. Our recommendations are aimed at putting life to those statements. Right now, as we read the legislation, it's inconsistent with what the minister himself is saying is both the goal of the legislation and with what the vision statement of the government is.

First, it needs to cover all sectors of society. There is absolutely no excuse for not including everybody at the beginning. The way the legislation appears to be set up, you've got organizations, you've got the government, you've got agencies. What we think the solution is, is not saying that on day 1 every single organization in Ontario is going to have to do a plan. What we are saying is that you need to have regulations at the outset that say on such-and-such a date organizations in this class or in this sector need to have a plan. If we don't do that now, it will never happen. I've been around long enough and I've watched the Human Rights Commission sit with guidelines for 20 years that could have been made into regulations and never have been. So I think it's really critical that we address this now and not wait.

The second point we want to make—as you're going through all of the hearings—is to keep in mind that the goal of all of this is barrier removal. I think we have to watch getting so bogged down in plans that we forget what the plans are about. In the back of your mind, the plans may look very complicated and technical. I'm not going to spend any time on them, because I don't really care what they look like if they remove the barriers. I think we need to make sure that goal remains at the forefront.

We do have some difficulty with the fact that the minister can remove exemptions and do a number of other things without public accountability and certainly would recommend that you look at our recommendations in this area, at the recommendations of the ODA Committee in this area.

The next area has to do with the regulation-making process. I've been following this quite closely, and I keep hearing that the regulations will be able to fix a lot of this, and to some extent that may be true. One of the problems, from our perspective, with regulation making is that it's done in private. We have heard that there is a real willingness to have involvement and consultation in the regulation-making process, so our recommendation is that you amend the act to actually incorporate that into the legislation itself. It's consistent with what you're saying. It's consistent with what you want. If you don't, what tends to happen is that people say, "Oh well, that's a secret process. We can't disclose." We know that with the Red Tape Commission you have a consultation process. I was one of the original members of the Health Professions Regulatory Advisory Council, which has a public consultation mandate and can look at regulations.

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We'd really urge you to put into the legislation something like the securities commission has that says we will have public notice and comment time for regulations—anybody who wants to, all of the stakeholders, not just people with disabilities but people who will be affected by it. It's essential that that be in the legislation itself.

The other area that I gather the regulations will deal with has to do with enforcement and accountability. As a lawyer, I honestly don't think you can do it as it's currently drafted. I think you need to put something in the

legislation that specifically gives you regulation-making authority on enforcement and accountability. I'd urge you, as you're going through the clause-by-clause, every time you come to a paragraph that says, "The government shall," identify who in the government shall, who will be accountable and what the consequences are if it doesn't happen. That's what true enforceability means in legislation, both accountability of everybody knowing who it is that they can go to if it doesn't happen and what the consequences will be.

Finally, I wanted to move on for a minute to the issue of public education. It's something that the CMHA, Ontario division, feels quite passionate about. You'll see in our brief that we actually are doing some public education now in northeastern Ontario as part of a partnership with the Centre for Addiction and Mental Health and with the Ministry of Health. Underlying the effectiveness of this legislation will be good public education and good technical education. Our recommendation is that both of them be addressed in this legislation but also in government policy through adequate resources.

The area of technical education is similar to what we're doing with Mental Health Works. It's making sure that employers understand and businesses know what to do. I think you need a formal recognition in the legislation that the government sees this as something critical to do. One of the things that's made the ADA successful in the States is the availability of technical assistance. This isn't easy stuff. The work we're doing with the banks—the reason they're so enthusiastic about our partnership is that we're not telling them how to run their business. They are running their business, they're educating us on that. We are telling them how to help make their business barrier-free, and I think that's a really critical component.

On the public education side we're dealing with stigma, and you'll see in our brief that I've referred to a number of studies recently that really identify stigma and the barriers it creates as a significant problem. It's quite telling that in the UK the regulatory body for physicians has actually initiated a five-year education plan directed at health care providers. They see it as a barrier to effective health care services. Similarly, this is part of our project in the northeast. We've got the Surgeon General in the US saying that this is one of the critical problems. The World Health Organization sees it as a problem.

What we would like to see in the legislation that might address this are a couple of things. One is a specific requirement that in the barrier-free plans they address the issue of stigma and attitudinal barriers. As I said at the beginning, one of our concerns with the legislation is that as much as everybody says these are the barriers that cover everybody, it's really about physical barriers. The language accessibility is about physical barriers. We'd like to see that every section of the legislation specifically recognizes that all of these plans need to address, implement, carry out and remove the attitudinal barriers in a timely way. We can't wait 10 years. We can't even wait five years. We really need to start that process now and recognize that it will take an ongoing, sustained

effort and commitment from the government, from the private sector and from the broader public sector. We're quite happy to participate in anything we can do to assist you in going down that path.

I'm going to stop in a second, just so you do have time for questions. But I guess what we want to say is that you really take seriously the recommendations that are being made by us, by the Ontarians with Disabilities Act Committee, by the other organizations, that will truly make what the vision says the legislation should be. It needs to identify and require the full range of barriers to be removed and prevented. It's got to apply to all of the sectors. To a person facing a barrier that prevents full participation, it doesn't matter who has created the barrier. Often they may not know whether the barrier is coming because it's a building code requirement, because the government has done something or just purely out of ignorance—people didn't know what it was. You shouldn't force the person facing the barrier to have to spend their time trying to figure out where it came from and trying to figure out whose responsibility it is to make it go away. We see this legislation, rather than encouraging litigation, as being the alternative, as opening doors without forcing people with mental illness, who already face stigma, having to publicly disclose that they have a mental illness and file a human rights complaint. That process in and of itself is hard for people with mental illness.

We see this legislation as tantalizing. We see it as offering the potential for doing something real and progressive. What we don't see yet is the fundamental core. We see things that exist in the past that are being brought back, like the advisory council; that's not a bad thing. But I guess what we would like to be able to say is that the tantalizing smell that is coming from this legislation is actually a reality that everybody in Ontario at the end of the day could celebrate.

As a final request, I really would urge you to rethink a little bit the time frame for some of this. We appreciate the fact you're having hearings and listening to amendments. I will just tell you from our experience on Bill 68, where we publicly congratulated the government for having very extensive hearings on the Mental Health Act amendments, where we participated and a number of our amendments were adopted—I've been out on the road for the past year; it's a year now since the legislation came into effect. What I can tell you that we've learned and I think the message the government has is that two things happened with that legislation that I think you can avoid here. One is that they amended it and passed it within a week, and the result is that there are some amendments in that legislation that don't work. People cannot figure out what to do with it. For example, if you're trying to enforce a CTO, there's a strong body of opinion, not just mine, that thinks that ends the CTO, which is obviously not what the intention was. It's a drafting thing, because you don't draft that quickly. I'm worried that if you adopt the recommendations we're making, and we truly hope you will, you may find yourself in a similar position, if you try and go so fast that you don't give people a chance

to read what the amendments are. I think that would be a really tragic mistake down the road. It will end up taking a lot longer.

The second lesson we've learned is that if you don't do and have in place an implementation strategy and comprehensive education, you'll have a problem. We're one year from the date of proclamation of Bill 68; it's still not implemented in many parts of the province because there was no implementation plan, it went so quickly that nobody had a chance to do it and there is no formal education process that is comprehensive. Without that, it's going to be hard to make the best legislation in the world effective. I understand you want to move quickly. We would really strongly urge you to think seriously about taking the time after the hearings to look at the amendments, to make sure they're right and to make sure you've got it right when you go out to implement it, because I think we'd all like to be there celebrating the day when we get a truly strong, effective act.

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

Mr Parsons: Your training as a lawyer would probably put you in the best position of anyone to analyze this bill. How long did it take you to analyze this?

Ms Bregman: It took me a long time. I'll be honest: I'm still analyzing the bill. I've been through this a couple of times. Some of my colleagues in the audience have listened to me as I've gone through it. It's a complicated piece of legislation, in a funny way; it looks simple. It could use some more time to really think through some of the pieces.

Mr Parsons: So with the way the hearings are fast-tracked—indeed, in Ottawa people had about 24 hours—without the legal training there were barriers presented.

Ms Bregman: I've been hearing about barriers. I have to tell you, I've heard from people who have a mental illness, I've heard from our branches out in the regions, that while people would like to present, they're just not in a position to prepare. They did not feel able to come forward.

Mr Parsons: It seems terribly ironic.

Ms Everett: May I say also, Mr Parsons, that I have a PhD and I couldn't have made head nor tails of it. So I'm glad I had Patti to help.

Ms Bregman: It's also, to be honest, hard for organizations. As you know, I had a long involvement in this legislation before I was at CMHA, so I kind of knew what was coming. But I had to put our board in the position of educating them and approving a position, because I'm not speaking for my position, I'm speaking for the board of a provincial organization. For most provincial organizations to come and be able to approve a position that is really detailed is extraordinarily difficult. You're probably not getting the best of what you could be getting and I think that's unfortunate. There's an awful lot of knowledge and expertise out there that could have helped.

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I should add that it goes with our campaign too about mental illness being part of it. We were probably the only group not consulted by the minister before this. We never met with him. We asked to meet. We were not part of any of the subsequent discussions. We somehow seem to have been kind of tossed to the side. This is actually our first opportunity to have any formal input into this legislation.

Mr Peter Kormos (Niagara Centre): Howdy. The next time somebody starts badmouthing lawyers, you'll remind them of this conversation, right?

Ms Bregman: Coming from another lawyer, I understand.

Mr Kormos: I read with interest pages 7 and 8, and followed you as you were going through it, where you referred to the core principles. We all accept those. Those core principles are so fundamental: (1) inclusiveness and flexibility, (3) "must cover the public and private sectors," (5) "In addition to mandatory legislation, there should be ... financial incentives available." To me, those are among the core of the core principles, that little collection I've isolated.

Then I refer to your analysis of the legislation, following that carefully. I appreciate you've been very generous in saying it provides a framework. But where I come from, laws either prohibit certain things or they make certain things mandatory: either "Thou shall" or "Thou shalt not." It's biblical. I don't find the "Thou shalls" and the "Thou shalt nots" in this legislation.

Ms Bregman: I'll tell you what I see. There are some "Thou shalls," but that goes to my comment about how it doesn't really mean a lot to say "Thou shall" unless you know who "Thou shall" is. This is "Thou shall" as the government, and that's very unusual in legislation to say it is the government. Who do I go to? Do I go to the Premier? Do I go to Management Board?

There is also no "What if thou does not?" and that's a real problem. I would not call that mandatory legislation.

There are also not "Thou shalls" where we would like to see them, where we think it's essential, and that is, "Thou shall pass regulations within six months to say that all sectors are covered and here are the timelines by which they are covered," and what happens with those "Thou shalls." I think that has to be fixed in this legislation for it to truly be called mandatory.

They've done it with parking fines. I think if we look at the proportionality, if you can pay \$5,000 because you've parked inappropriately, there has got to be a proportional consequence for a "Thou shalt" when you don't do something.

We've recommended, if there is no other option, giving Management Board the authority, for example, if the ministry does not put in a plan that meets criteria that we think need to be in place, to impose a plan, to hire somebody to put a plan in; that the Ontario Human Rights Commission be given the authority to issue directives saying, "Thou shalt do X, and if you don't do X, we will do it for you," which is very similar to how other legislation works.

Mr Hardeman: Thank you very much for your presentation. Unfortunately, I suppose, for me, I'm not a lawyer so I won't be in the group. But I understand that if a piece of legislation says "Thou shalt" and it doesn't define who "thou" is, it is in fact the minister who is responsible for that act. I think "Thou shall" means, in this case, Cam Jackson. So send him the penalty, whatever it might be. I say that in fun, but that's just my understanding.

I really would like to get your opinion on the removal of the invisible barriers that you spoke of that is presently being done through the Human Rights Commission. If you put that in the disabilities act, is there not a danger that people would not be able to approach the way it is presently being done? It would seem to me that generally they are arbitrary. The employer or one person says, "I didn't do that at all," and the disability person says, "But you did." Isn't that an arbitrary decision that someone has to make, other than just being able to define it in the act and say that it's black and white, that those are almost like judicial hearings that have to be held?

Ms Bregman: There are two pieces. We're not suggesting that you eliminate the Human Rights Code for individual complaints where somebody has said, "You said something discriminatory." But there are a huge number of invisible barriers. For example, employment policies: what kind of questions you can ask during an interview; a question of whether or not you allow somebody to lower lighting or have frequent meals because they are taking medication that requires that. These are policies that apply to the entire workplace, and those are the things we're working on now in fact with the banks that we think can be put into place.

The other piece is the removal of attitudinal barriers that I talked about in terms of ensuring there is public education, that there are non-harassment policies in place; in other words, that there is a framework within the workplace that does not permit these barriers to continue to exist or be removed. So it's no different really than saying, "We're generically going to remove the physical barriers but you can still file a human rights complaint if you have a particular issue that needs adjudication." We don't expect this Legislature to adjudicate specifics. But there are a huge number of barriers, and one of the things we think is really critical is to make sure they are explicitly addressed. I think it's part of the education process to make sure they are explicitly addressed so people understand that they have an obligation, that it's not sufficient to allow these things to continue.

It's like the physical disabilities: there are two pieces to it. There is the systemic piece that says, "Everybody does this. Everybody operates in this way." I'll give you an ODSP example. ODSP now pays for transportation to go to doctors' appointments. Many people with a mental illness don't go to health practitioners for their treatment. This is through, for example, the assertive community treatment teams. They may see a social worker. They may see a group home worker. They don't get their

transportation paid for. That's a barrier that affects people with one kind of disability, or maybe all, that we would see being removed and being covered by this. That's the type of lens we would want to look at the world through. For example, tax credits that you give to employers remove physical barriers: they should be applied to barriers that may face people with a mental illness as well.

There are a number of areas in which I think it's really important that our voices be heard and that people recognize they have the same obligation as they do to remove the physical barrier.

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

This committee is recessed until 4 o'clock this afternoon.

The committee recessed from 1207 to 1610.

CANADIAN HEARING SOCIETY

The Chair: Good afternoon, everyone. If I can get your attention, we'll bring the standing committee on finance and economic affairs back to order. Our first presentation this afternoon is from the Canadian Hearing Society. I would ask the presenters to please identify yourselves for the record. On behalf of the committee, welcome. You have 20 minutes for your presentation this afternoon.

Mr David Allen: Good afternoon. My name is David Allen, and I'm the president and chief executive officer of the Canadian Hearing Society.

The Canadian Hearing Society is a non-profit charitable organization incorporated in 1940. We provide health and social services that enhance the independence of deaf, deafened and hard-of-hearing people, and we encourage prevention of hearing loss. The Canadian Hearing Society has 27 offices in Ontario. Ten per cent of the general population experiences hearing loss or deafness.

In general, the Canadian Hearing Society is pleased that the government is moving forward with Bill 125, the Ontarians with Disabilities Act. There is much that is valuable in this bill.

(1) Government ministries are required to develop annual accessibility plans to address the identification, removal and prevention of barriers for deaf, deafened and hard-of-hearing persons—this would encompass legislation, policies, programs, practices and services—and these accessibility plans will be made public.

(2) The Accessibility Directorate of Ontario and the Accessibility Advisory Council of Ontario are being established to advise government. These two organizations will be responsible for programming and partnerships and will develop a public education campaign to overcome attitudinal barriers.

(3) The bill encourages the active participation of various sectors in the creation of accessibility standards.

However, we have several concerns about specific wording in the bill, as well as the limited time frame in which it is being processed through the Legislature.

For the public consultation process to be accessible, deaf, deafened and hard-of-hearing consumers require more lead time to arrange support services such as sign language interpreters and real-time captioners. These support services enable deaf, deafened and hard-of-hearing people to prepare their submissions and presentations and to express their ideas in their own language or by a means accessible to them. Limited literacy levels mean that some consumers require more time to read and understand Bill 125.

The Canadian Hearing Society is a member of the consumer and agency group called the Ontarians with Disabilities Act Committee, or the ODA Committee. We wholeheartedly endorse the ODA Committee's submission on Bill 125. The recommendations we put forth in this presentation support those contained in position papers being sent to the standing committee on Bill 125 by the ODA Committee. For example, the ODA Committee is calling on government to make the following amendments: (1) assign a more significant role for the advisory council and a more effective mechanism for meaningful disability input into all standards to be made under the bill; (2) provide specific legislated time frames for the creation of effective regulations that will remove barriers across all sectors; (3) expand upon the enforcement mechanisms and mandatory barrier removal requirements beyond simply for parking violations under the Highway Traffic Act.

Our presentation today, however, will focus specifically on the needs of persons who are deaf, deafened and hard-of-hearing.

Bill 125 places far too much emphasis on building design and capital projects. The authors of the bill seem to have a limited perspective on the disabled community. Not all disabled people have mobility problems and use wheelchairs. For deaf, deafened and hard-of-hearing Ontarians, accessibility means the provision of human services like sign language interpreters and real-time captioners. In turn, the provision of human services requires setting standards for professional qualifications, service delivery models and the supply of resources. Currently, no such standards exist. Bill 125 needs to specify in more detail how the standards for qualifications, service delivery models and the supply of resources will be established and monitored. For Bill 125 to be silent on this issue is like having a health act that makes no mention of the College of Physicians and Surgeons and how health care will be delivered and funded, or like an Education Act that makes no reference to the Ontario College of Teachers and how education will be delivered and funded.

The needs of our consumers will get lost if left in the current general sections of Bill 125 under goods and services. Our consumers are not buying widgets or employing people from a large, unskilled labour pool.

Minister Cam Jackson has assured our consumers that standards for qualifications, service delivery and supply of resources will be developed later, if necessary, as regulations or guidelines, but our consumers are skeptical

that these regulations and guidelines will come to pass in a meaningful way. They point to landmark decisions such as the ruling of the Supreme Court of Canada in *Eldridge v British Columbia* guaranteeing accessible health care for disabled people. They point to the Canadian human rights settlement with the Tax Court of Canada in which the court established policies to ensure access for deaf and hard-of-hearing lawyers. They point to the Ontario Human Rights Commission's new Policy and Guidelines on Disability and the Duty to Accommodate. Regrettably, these landmark decisions have made little difference in the lives of our consumers because accessibility measures remain voluntary and violations must be fought through the courts on a time-consuming and costly case-by-case basis.

In particular, our consumers recall Bill 4, passed in 1993, that recognized American Sign Language and la langue des signes québécoise as official languages of instruction in the school system. Regulations for Bill 4 have yet to be written, so Bill 4 has made no difference in the lives of deaf, deafened and hard-of-hearing Ontarians. Our consumers worry that Bill 125 will go the same route: quickly passed, then quickly forgotten.

The wording in Bill 125 is filled with qualifiers such as "with regard to," "where technically feasible" and "guidelines are not regulations." Even the word "plan" in the phrase "accessibility plan" implies something that will not necessarily be implemented. In short, while Bill 125 is a step in the right direction, as it currently stands it has no teeth and no guarantee that it will move forward with meaningful regulations after it is enacted.

Gary Malkowski, director of external affairs at the Canadian Hearing Society, will now elaborate on the landmark rulings I referred to earlier as well as specific examples of how various ministries within the Ontario government have denied responsibility for providing deaf, deafened and hard-of-hearing Ontarians with access to essential publicly funded services. He will do this to make the point that it is naive and/or misleading for the Ontario government to suggest that the voluntary measures outlined in Bill 125 will make any difference in the lives of our consumers.

1620

Mr Gary Malkowski: Hello. I will have somebody read from my text. Here are highlights of the legal cases that David Allen referred to.

Supreme Court of Canada, October 1997: in *Eldridge v British Columbia*, the court ruled unanimously that deaf Canadians are entitled to equal access and equal benefit under the Human Rights Code. All services funded directly or indirectly by government must be equally accessible and of equal benefit to deaf, deafened and hard-of-hearing Canadians as they are to hearing Canadians. The principle that discrimination can accrue from a failure to take positive steps to ensure that disadvantaged groups benefit equally from services offered to the general public is accepted in the human rights field.

Tax Court of Canada, September 2000: in an out-of-court settlement, the Tax Court announced a landmark

policy that acknowledges and accepts responsibility for arranging and paying for accommodation for deaf, deafened and hard-of-hearing lawyers, articling students and any parties they represent. This policy also confirms that the needs of persons with disabilities must be accommodated if we are to ensure equal participation for everyone within our society. A fundamental human right is acknowledged with this policy: access to justice is not the exclusive prerogative of able-bodied Canadians but of all Canadians.

The Ontario Human Rights Commission's new Policy and Guidelines on Disability and the Duty to Accommodate, November 2000: accommodation with dignity is part of a broader principle, namely, that our society should be structured and designed for inclusiveness. This is to ensure equal participation for those who have experienced a disadvantage from society's benefits. The duty to accommodate persons with disabilities means accommodation must be provided in a manner that respects the dignity of the person, meets the individual's needs, promotes integration and full participation, and ensures confidentiality.

Despite these legal developments, violations of basic human rights are rampant throughout the Ontario government. Very few in the Ontario government accept responsibility for providing our consumers with access. For example, staff of Ontario Works and the Ontario disability support program continue to instruct deaf, deafened and hard-of-hearing consumers to arrange to have their own interpreters. Neither program will cover the cost of interpreters for consumers who need communication assistance to understand and complete the application process. Staff of provincial and municipal government offices are not sensitive to the needs of people with hearing loss and do not provide alternatives to voice mail and voice recordings of information at points of entry to services.

The Minister of Training, Colleges and Universities, Dianne Cunningham, in her letter of September 20, 2000, to CHS stated that her ministry "has no legal authority to require [private vocational] schools to provide sign language interpreters and real-time captioners, free of charge, to their students." This is a copy of that letter, and I've highlighted that statement.

A November 8, 2001, letter from the Ministry of Health and Long-Term Care regarding the Back on Track program for drivers convicted of drinking and driving stated that "no government money would go into funding the program." Deaf and hard-of-hearing consumers are responsible for the cost of sign language interpreters when attending the program. This is a copy of the letter I received from that ministry.

Deaf, deafened and hard-of-hearing consumers across Ontario continue to be denied access to MPPs' constituency and Queen's Park offices. Most of these offices do not have TTYs, nor do they provide sign language interpreters or real-time captioning for constituents who need these services in order to communicate with their elected representatives. Letters to the Speaker have raised these issues, but to date they have remained unresolved.

A Ministry of Education letter of September 6, 2001, advised CHS that the ministry is not responsible—for setting standards for sign language interpreters or criteria for minimum qualifications of interpreters in elementary, secondary and post-secondary educational settings. Furthermore, the Ministry is not responsible for setting standards for sign language competency and communication skills for teachers of the deaf.

On November 26, 2001, the Divisional Court of the Ministry of the Attorney General failed to provide sign language interpreters for applicants and deaf and hard-of-hearing members of the public so they could follow the court's proceedings regarding the Ministry of Health's decision to delist audiological services from OHIP, which in itself discriminates against deaf, deafened and hard-of-hearing consumers.

CHS strongly endorses the need for establishing a strong and effective Ontarians with Disabilities Act immediately. However, our experience indicates that voluntary measures do not work. The legislation needs to have authority and be suitably funded so that the proper systems can be set up to monitor and enforce the legislation.

Bill 125 will clearly be inadequate unless amendments, as recommended by the ODA Committee, are made before third reading. Bill 125 falls significantly short of what is needed to remove and prevent barriers across Ontario.

The Ontarians with Disabilities Act must establish standards for provincial and municipal governments, the broader public sector and the private sector to end intentional or unintentional practices of discrimination against persons with disabilities, including children and seniors.

Mr Chair, I have copies of all those letters referred to in my presentation for your perusal.

The Chair: Thank you very much. That leaves about a minute per caucus. I'll start with Mr Martin for questions.

Mr Martin: That was quite a presentation and, in my view, quite a critique of not only the bill but the process we're using here to get this bill through.

You indicated that there are some things in the bill as it now stands that are worth supporting. If we don't see significant amendments to respond to some of the things you've put on the table here today, which frankly we've heard over the last couple of days out in Ottawa and Windsor—if those amendments aren't made and accepted, is this bill still worth supporting?

Mr Allen: We remain hopeful that amendments will be made. We're not recommending that the legislation be thrown out, but we are flagging the fact that as it stands, it is not going to be very effective. We're hopeful we can work with government in convincing them to make amendments.

Mr Galt: Thank you for your presentation. It's most interesting. I appreciate your comments: a step in the right direction, and concern about a little more time to get it right.

I'm curious. Mr Malkowski brought in a bill in 1994, it's my understanding. I'm wondering why the government of the day did not support his bill at that time.

Mr Allen: I don't think that's something for us to respond to here today. We're representing the Canadian Hearing Society. Gary Malkowski right now is an employee of the Canadian Hearing Society, so that is irrelevant to the discussion at this time.

Mr Galt: I was just curious.

Mr Parsons: One thing that has caused me great concern is that I've realized that in my community, among the deaf and hard-of-hearing there's about an 85% to 90% unemployment rate. I have met with young people, brilliant, hard-working young people, who have post-secondary education, a university degree, and they're unemployed—not unemployed because they didn't impress the people at the interview; they couldn't get an interview. They can't get into the interview. What needs to be in the act to solve what is a terrible, terrible waste of some talent?

Mr Malkowski: This is an obvious result of the repeal of the employment equity legislation. That has caused the critical level of unemployment that we're seeing in the province. We need, within this legislation, some amendment which will make sure we can improve the situation as it stands. We need to make sure there is strong enforcement, make sure there is accountability, make sure that students and recent graduates can manage to apply on a fair and equitable level for employment. Again, voluntary practices and voluntary measures will not help those youth receive employment. We need to make sure they can receive the accommodations they need to be able to get their foot in the door for the interviews. I think that that's where we can save that talent pool.

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

1630

EASTER SEAL SOCIETY

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

Ms Charlotte Gibson: My name is Charlotte Gibson. I'm the president and CEO of the Easter Seal Society. Our commitment for almost 80 years: we've been helping over 20,000 children and young adults in the province of Ontario live with a physical disability in their striving for independence, acceptance and achievement. We've been helping these children and young adults by providing access to the tools they need. We're dedicated to helping them achieve their full individual potential and future independence. Easter Seals is about creating solutions and changing lives.

Let me begin by saying that we at the Easter Seal Society are very supportive of both the Ministry of Citi-

zanship and the process underway to bring Bill 125 into legislation. Easter Seals has enjoyed a positive and productive working relationship with the ministry and truly values this association.

In terms of the process, we understand and believe that the draft before us is a starting point. It is now time to gather input from stakeholders and make the necessary revisions so that the final document is the most meaningful, progressive legislation possible.

For almost 80 years, we've served Ontario's population of children, youth and young adults with physical disabilities, and it is with this dynamic population in mind that we ask questions today and submit recommendations for amendments to this bill.

Some of you may be aware that Easter Seals has undergone a significant transition over the past three years. We've literally changed the way we do business, and one of the keys to our success has been the development of district councils across the province. These community-based volunteer groups are the backbone of the Easter Seal Society. They raise dollars, awareness, and ensure that children, youth and young adults with physical disabilities are considered at every level within their own communities.

The advisory committee model proposed in Bill 125 is similar. Experience has taught us that these groups are only as strong as the individual volunteers. It is therefore essential that organizations within the disability community assume the responsibility of proposing qualified candidates. To this end, Easter Seals has already proposed two candidates for the provincial Accessibility Advisory Council that will ensure that children and youth with physical disabilities have a voice. Our hope is that the provincial and municipal governments will give serious consideration to such recommendations and ensure a balanced representation on the Accessibility Advisory Council and on each advisory committee.

We have also learned that these committees don't develop overnight. In our first year of this process, Easter Seals chartered nine councils. In 2001, an additional 20 have been chartered. We project 30 new councils in 2002 and over 80 at the end of five years. It is a building process, and while certainly achievable, expectations must be managed, as it will take several years to develop effective advisory committees across Ontario.

Easter Seals strongly supports this community-based approach. Our staff and volunteers are ready and willing to act as a resource and provide assistance in the development of advisory committees in their communities.

With regard to areas for improvement, we see four main issues that must be considered for this legislation to have meaning for children, youth and young adults with physical disabilities. In establishing our position, we garnered input from youth and young adults with physical disabilities, as well as Easter Seals parents.

The first issue is demographics. Baby boomers have the political clout and knowledge to advocate for what they want. As they age, their demand for government and community supports will increase substantially. Parents

of children with special needs have limited networks, limited resources and limited energy to lobby for what their children need. Understanding that the proposed legislation addresses all persons with disabilities, what safeguards will be put in place to ensure that the needs of children will not be overshadowed by the increasing needs of adults?

The second issue we see is that of education. Each school is a community unto itself and the focus of its students' lives. To participate fully, each student must have full access to their school and all of its programs, curricular and extra-curricular. Without addressing barriers that exist in schools today—physical, attitudinal and program—this legislation will have little meaning to children and youth with physical disabilities. The legislation makes specific reference to the requirement for school boards to submit annual accessibility plans. Will consideration be given to the funding required to retrofit schools as an outcome of this bill?

The third issue is one of transition to post-secondary education and/or employment. While most students make post-secondary education decisions based on the quality of the program, students with disabilities are forced to make choices based on accessibility and availability of supports. Similarly, people with disabilities are often forced to settle for an employment opportunity that can accommodate their needs instead of pursuing the career they desire. If they cannot access the full range of educational programs or gain meaningful employment experience that will advance their careers, how can they compete with people who can?

Transition issues involving community involvement: children, youth and young adults with physical disabilities must have access to a full range of activities within their own communities, from recreation to grocery shopping to health supports. As they move to increase their independence, necessary modifications to homes and vehicles become essential. Our hope is that one outcome of Bill 125 will be access to government funding programs such as home and vehicle modification for parents of children with physical disabilities.

The final issue is one of transportation. We've kept our issues focused on the issues that face the Easter Seal Society and the children and young adults whom we support. Transportation is one of the most frustrating issues facing people with disabilities on a daily basis. It severely limits their ability to function within the community. Present options require long-term planning, which makes spontaneous decision-making impossible. For example, our two youth spokespeople who were to be present today were unable to make transportation arrangements on short notice. They have therefore missed the opportunity to be heard. While we may have been able to make special arrangements, this is the everyday reality for people with disabilities. Frustrations that are considerable within urban centres can increase substantially in rural communities.

Considering the issues raised today, it is clear that the most significant gap in the proposed legislation is the

removal of existing barriers, both physical and attitudinal. While the prevention of new barriers is important, it is the existing barriers that impact the lives of children, youth and young adults with disabilities today.

In closing, Easter Seals acknowledges and appreciates the government's integrity and commitment to improving opportunities for people with disabilities. However, society is governed by legislation, not intent. We hope that the questions, concerns and recommendations expressed throughout the hearing process will be given serious consideration, and we look forward to reviewing an amended Bill 125.

1640

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

Mr Spina: Thank you, Ms Gibson, for your presentation. The opposition asks this question; we ask this question. It's not intended to be political in nature, so I'm trying not to make it sound that way. The question that has been asked is, is this bill worth putting through now or should we run the risk of delaying it for the purpose of making it that much better? I guess what I'm asking is, are we running the risk of losing at least a beginning to getting a bill out into the field, into the marketplace to assist these people?

Ms Gibson: We would endorse the bill going through now and working to improve it. We need a base. We've been too long with nothing.

Mr Spina: OK. The government, as well as opposition members and the delegations that have come to see us, have brought forward some general and some very specific amendments to strengthen the bill. We fully acknowledge that. There is also an opportunity over the next few months, if we are able to get the bill through, to define some of the implementation procedures—the timelines and so forth—through the regulation process. The minister has assured us that there will be some consultation with stakeholders—in other words, truly the disabled community—in the process of implementing those regulations. Is that acceptable?

Ms Gibson: I know we have a strong community of young adults who are ready, willing and able to be heard and make recommendations. My feeling is that we have the community that is not going to stop with an inadequate bill.

Mr Parsons: I appreciate your presentation. It has struck me, though, that if there's any group we should be listening to in these hearings it's people like the two young people you indicated who couldn't make it here today. So in fact rushing this through has created a barrier to people in the disabled community to come and talk with us.

Your presentation is a little bit different from some of the others who have come to us, so I have to ask you, because I'm sure you debated it. In your suggested amendments, there was no reference to involving the private sector, to extend it to cover the private sector. Can I ask why or what the consideration was?

Ms Gibson: Possibly because we support children up to the age of 18, 19, but at the age of 19 they really move under the auspices of the March of Dimes. So in terms of the private sector, we're really dealing with children. We are talking about transition programs in terms of transitioning into the employment market, but we're already working in that area. I'm not sure if that answers your question.

Mr Parsons: It confuses me a little bit, because as foster parents we have fostered children who have been involved with your organization. We have wanted to take them to restaurants, we've wanted to travel and use hotel rooms, we've wanted to go into the mall, we've wanted to go to doctors' offices. Although they were under 18, they needed to have involvement with—I'm intrigued even more by your response, because although they're under 18, they still need access to services and to quality of life.

Ms Gibson: Correct. I guess my response would be that you have to start somewhere. This is just a beginning point and I'm willing to accept it as a beginning point, definitely not as a refined bill or a bill that will stand the test of time but one that definitely needs input. As I mentioned very early in my presentation, in terms of developing district councils across the province, we were faced with exactly the same rough vision that needed refinement, but I look to stakeholders right across the province for input into the bill to gain that refined vision.

Mr Martin: Just to follow up somewhat on that line of questioning, we had a group yesterday in Windsor who suggested that if we pass this bill as it is, it takes away some of the protections the disabled now have under the Ontario Human Rights Commission, for example. This was a legal clinic out of the Windsor-Essex area that suggested that. We're looking into that, and it may be something you might want to consider in terms of your support of this bill as it stands now.

I want to comment and ask a question on a couple of other things. Some of the stuff you focused on was an issue of funding: schools and the resources they need to make sure every child has access to special education resources, some of the vehicle and home modification. We're talking money. It seems to me—and maybe you could respond to this—that some of the reticence on the part of the government in terms of this bill not to put in stuff that is tough in terms of timelines and enforcement and that kind of thing is that it's going to cost money. You can't do this without it costing money. Without doing this bill at all, the government has within its purview to spend the money that is needed to make sure some of these folks get what they need to be all they can be and to participate. But they've chosen another priority, which is to give tax breaks to corporations and other individuals. What would your recommendation be to this government if you're really serious about what you put on the table here today, which is around the question of funding?

Ms Gibson: The funding is needed. I'm not sure that I'm going to give you a really good answer on either/or.

Yes, you're right, I did focus a lot on funding: funding within the education sector, home renovation and vehicle modification. That funding is available for adults with disabilities. I'm not sure if you're aware that it's not available for children with disabilities.

Mr Martin: You've made us aware today. What you're saying is that we need resources. This bill is not going to be effective unless we have the resources to make sure that kind of facility is available to the children.

Ms Gibson: My hope is that the advisory councils across the province, in addition to the district councils that the Easter Seal Society and many other organizations have that are province-wide, will raise awareness of the need for funding not just for children but for all persons with disabilities. I think the key is that we need to raise awareness within each and every community, because people want to be serviced within their community. They don't want to have to move to a larger centre because those opportunities are there and not within their community.

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

CITY OF TORONTO
COMMUNITY ADVISORY COMMITTEE
ON DISABILITY ISSUES

The Chair: The next presentation is from the City of Toronto Community Advisory Committee on Disability Issues. I would ask the presenters to please come forward and state your names for the record. On behalf of the committee, welcome. You have 20 minutes for your presentation.

1650

Mr Joe Mihevc: Thank you very much, Mr Chair. My name is Joe Mihevc. I'm a city councillor for ward 21, St Paul's, of the city of Toronto. I have the pleasure of being one of the co-chairs of the City of Toronto Community Advisory Committee on Disability Issues.

Attending with me are Janice Martin, the community co-chair; Roger Roberts of the city's Community Advisory Committee on Disability Issues; and three staff people, Ceta Ramkhalawansingh, Tim Rees and Catherine Leitch. Others from the committee itself also wanted to come, but the short notice prevented them from getting the accessible transportation that they need. We only found out about our ability to speak to the committee yesterday.

On behalf of the committee and on behalf of Toronto city council, I thank you for the opportunity to respond to Bill 125, the Ontarians with Disabilities Act. A full copy of this submission is before you.

The city of Toronto is particularly concerned about a strong and effective Ontarians with Disabilities Act, because a disproportionate number of persons with disabilities live in Toronto. While an estimated 17% of people living in Ontario have some form of disability,

estimates of up to 45% of that total reside in this city, Toronto.

The city of Toronto has a strong foundation of commitment to addressing the needs of persons with disabilities. The city, in both policy and practice, believes in an inclusive, accessible and equitable society. Reflecting these commitments, the council of the city of Toronto unanimously passed a motion in March 2001 that any legislation applying to the prevention and removal of barriers for Ontarians with disabilities be mandatory and applied to all sectors, public, private and non-profit. A further motion in November 2001, unanimously adopted by city council, reiterated this commitment to make Toronto a truly barrier-free city by 2008 and again reiterated the call for a strong, effective and mandatory Ontarians with Disabilities Act.

Does this bill before you achieve this? No, it does not. In fact, the city of Toronto is very disappointed with the bill in its current form. Having waited so long, so many years, for a strong and effective Ontarians with Disabilities Act, the disabled community has been failed by what appears to be little more than a disabled parking fines act. Ensuring accessible parking is no substitute to dismantling physical and attitudinal barriers in education, communications, housing and the workplace.

It is somewhat ironic that this week, when we recognize the United Nations International Day of Disabled Persons, proclaimed to reinforce the commitment to improve the integration of persons with disabilities into the wider society and to celebrate achievements in advancing the rights of persons with disabilities, the Ontario government is trying to push through with undue haste a long-promised but really hollow and toothless Ontarians with Disabilities Act.

With an estimated 45% of the 1.6 million Ontarians with disabilities living in Toronto, the establishment of a strong and effective act is clearly of direct interest and concern to the city of Toronto. Of any institution most affected by this bill, it is the city of Toronto.

Because of the barriers they face, persons with disabilities are too often forced into poverty, unemployment and social isolation. As a community and as a society we cannot tolerate this. We must ensure that persons with disabilities can exercise their civil, political, social and cultural rights on an equal basis with other persons.

In 1990, in the United States, the former Bush administration passed the Americans with Disabilities Act. It established a series of deadlines for changes in both the public and private sectors. It also stipulated fines for those who didn't measure up. It is an act that is working.

Why should we have to be embarrassed by a provincial government that refuses to learn from this experience, that refuses to establish mandatory—keyword “mandatory”—requirements, that refuses to establish timelines for accomplishing anything and refuses to establish mechanisms for enforcing anything?

The government of Ontario first promised an Ontarians with Disabilities Act in 1995. An earlier bill, Bill 83, was introduced in 1998 and was withdrawn after wide-

spread criticism that it failed to apply to all sectors, impose mandatory requirements, establish enforcement mechanisms and, lastly, provide timelines.

Other than requiring provincially legislated public sector agencies to develop accessibility plans and establish advisory committees, the same weakness can generally be applied to this bill. In other words, the city of Toronto finds both the intent and the content of the bill to be so modest as to prove unacceptable. The purpose is to merely “improve opportunities for persons with disabilities and to provide for their involvement in the identification, removal and prevention of barriers to their full participation.” The purpose of this bill, therefore, needs to be far more emphatic, purposeful, achievable and enforceable. The provisions of the bill as it now stands do not begin to actually provide protection and removal of barriers to persons with disabilities. It merely creates structured processes by which something may happen in the future.

Promised since 1995, we are not happy at this point in time with how little is in this bill. The bill does not cover the removal and prevention of barriers in all aspects of life, nor does it even begin to detail in any holistic fashion the roles and responsibilities of the public sector, let alone the private or voluntary sectors, and its role as an employer, a service provider, a regulator, a purchaser of services and goods or a provider of grants. The bill fails to provide the necessary leadership that would encourage, support and strengthen the commitment and efforts of other institutional sectors, including the city of Toronto and other municipalities, in addressing the needs of the disabled community.

Let me give you some examples. The Minister of Citizenship has suggested that the bill puts persons with disabilities in the driver’s seat through the establishment of a new Accessibility Advisory Council of Ontario and municipal and other public agency advisory committees. While the democratic opportunity structures, as they’re called, are an important mechanism of citizen input, I think the minister has an overly optimistic expectation that such advisory groups are in a position to direct, monitor, control or attain a barrier-free society. Imposing the onus on the disability community itself to achieve change is an unfair burden and a false expectation.

The major thrust of the bill’s provisions focuses on barriers faced by persons with physical disabilities, particularly as they pertain to the design of new, newly acquired or leased government buildings. The bill requires that they meet the standards of the 1992 Building Code Act. Given that these standards already exist, these provisions in the bill would therefore seem to be redundant. In addition, the disability community has expressed concerns for some time that the requirements of the building code are themselves minimal and need to be considerably strengthened.

In addition to strengthening the accessibility requirements of the Ontario Building Code Act, it is also recommended that subsection 15.1(3) of the act be amended to authorize municipal authorities to pass bylaws pre-

scribing standards for accessibility requirements for persons with disabilities.

To conclude, in summary this is a hollow, weak and ineffective bill. Substantial amendments are required to address the needs of the disability community, to address the needs of the city of Toronto and even to address and meet the Ontario government’s own shared vision and goal. As a member of the city’s Community Advisory Committee on Disability Issues commented, this bill is an empty truck. To have any meaning and purpose, we have to fill it up with boxes.

As this piece of legislation presently reads, one worries that the major responsibilities for ensuring the rights of persons with disabilities to equal treatment and equal opportunity are being downloaded by the province to the disabled community itself and to organizations like municipalities, which simply do not have the financial capacity to implement the necessary change as effectively and as quickly as they would like.

Rather than being such a begrudging, limited and long-delayed bill, this should be seen as a positive opportunity to achieve a barrier-free society. Let us use this opportunity to embrace in unequivocal terms the inclusion of people with disabilities as fully participating members of our society.

1700

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

Mr Parsons: I appreciate your presentation. There is a misconception in the public that this bill applies to the 1.6 million Ontarians with disabilities. My experience has shown, though, that it applies to everyone. We have a friend in a wheelchair, and there are some restaurants that have no table to accommodate him, so none of us go to those restaurants, and we lose that experience. There are certain theatre productions and that, which, because my wife cannot hear, none of us go to. So it affects everyone, and it affects everyone in Toronto.

If the government chooses to use its majority and does not pass any amendments, what does the bill as it stands do to improve the quality of life for the citizens of Toronto?

Mr Mihevc: In its current form, I would say it does practically nothing other than increase the fines for parking in spaces where there are disabled parking signs. My own view is that if the bill goes forward unchanged, I’d rather kill the bill than let it go forward in its present form. I think at least it would be very clear out there to the Ontario public that we don’t see disability issues as something that is mandatory and something that needs to be enforced.

I think it would just give more credence to the argument that a shell game is being played. People have waited so long; the disabled community has waited so long for this bill and has worked so hard to get it to this point. If it doesn’t have any teeth, at least from the point of view of our committee—we had a long debate on this last week, and this included people with hearing impairments, sight impairments, people in wheelchairs etc, and

the overwhelming feeling was that it's better to start from scratch than to pretend we have an Ontarians with Disabilities Act in place when we really don't.

Mr Martin: Just to follow up on that, you may have heard earlier that we had a group before us yesterday in Windsor who suggested that it's even worse, that this bill in fact removes stuff that's already in the Human Rights Code, and if something isn't done, then the disabled will be even worse off with this act. We had a very eloquent woman before us this morning, Anna Germain, who suggested that Bill 125 is inadequate, it's an offence and a potential injury. She said, "Please withdraw it. We're all better off with nothing. Please scrap this awful bill and let the next government treat it with the respect that all people deserve. It's better not to have an ODA rather than this mangled and gutted bill." Does that reflect the sentiment of your committee?

Mr Mihevc: Absolutely it does. As I mentioned in answering the last question, we met last week. We had a copy of the bill before us, and we did go through it. These are not folks who are politically charged. They just want an effective Ontarians with Disabilities Act. Certainly, with all the hoopla leading to the announcement of the bill, for the first week people took it in and tried to read it and give it its best face. They really did try to see that this had some weight and some meaning to it. But then, I think, as people read it, integrated it and asked, "OK, what does this actually mean on the ground in the day-to-day life of people with disabilities?" they found that it really was a toothless tiger.

What it's actually done is have the reverse effect. Rather than building on that initial excitement that finally something had come forward, now people are starting to feel more and more angry. I'm an able-bodied person, but at least the disability community that is in touch with the city of Toronto is saying, "This just doesn't cut it." There's a growing sense of pessimism and even anger that they're being used in this process. That's the honest truth.

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

Mr Spina: Thank you, Mr Mihevc and company, for joining us. You clearly state that if the bill was to go through without any amendments, don't bother. Am I understanding that correctly?

Mr Mihevc: That's correct.

Mr Spina: OK. I know there are a myriad of items that have been brought forward. If you were to choose three general elements—the top three, not just three—that in your opinion or on behalf of the community would in fact strengthen this bill, what would they be?

Mr Mihevc: One, I would make it mandatory for public, private and not-for-profit sectors. No institution, public, private or not-for-profit, could get off the hook and not put in place an accessibility plan appropriate to that institution. So, one, it has to be mandatory.

Two, there have to be timelines. There has to be a sense that we are moving in the right direction, and that by such-and-such date, something will be in place so that

we can say, "At such-and-such date, Ontario is a barrier-free province, a barrier-free society."

Three, there has to be some money put into this. We have the support, for example, of Tourism Toronto. We're there doing niche marketing around people with disabilities. You have two people with disabilities who can't get into a particular hotel; that hotel loses out to Seattle. It doesn't make business sense. The business community in Toronto is starting to see that, and they regularly send a representative to the Toronto committee. So a little bit of investment, a little bit of education and push from the provincial government to allow the private sector and the public sector to initiate and actually carry out these plans, I would say, is the third priority.

So mandatory, timelines, and you've got to throw some money at this.

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

TORONTO POLICE SERVICE

The Chair: Our next presentation is from the Toronto Police Service. I would ask the presenter or presenters to please come forward. Could you state your name for the record, and on behalf of the committee, you have 14 minutes for the presentation.

Mr Brian Keown: Thank you very much, Mr Chair and members of the committee, for allowing the Toronto Police Service an opportunity to come and speak to this bill, the Ontarians with Disabilities Act.

We've heard it referred to as a disabled parking bill. I think we do a great disservice to this piece of legislation to deal with it just as a parking bill. One of the things that I think is very important for us to recognize for persons with a disability is that we need to look, first of all—and I will be speaking specifically to the issues of the disabled parking—but we need to look at disabled parking. It's not about vehicle warehousing. It's not about just parking vehicles. It's actually about barrier-free access. It's about allowing people with disabilities the opportunity to fully participate in the community. If we recognize parking as an integral part of the overall trip chain, then we'll recognize the importance that it plays in the life of a person with a disability. We can design policies, we can identify barriers, we can do everything we can to fix the bricks-and-mortar issues, and we can look at changing attitudinal barriers, but if we can't get people to the curb, it's all for naught. So it does play a very, very important role in what this legislation is trying to do.

Having said that, you've heard some indication here today about the percentage of the population—17% to 20% is a consensus as to the number of people in the Toronto area—with disabilities. We recognize also that the percentage of persons with a disability is that much higher in the Toronto area because of the good services, education and employment opportunities that are available to persons with a disability.

We formed a disabled liaison unit in response to the needs in the community. The Toronto Police Service put

it in place and it became operational in February 2000. One of the first things that we did as the disabled liaison unit working on behalf of the Toronto Police Service was to invite stakeholders from the community—that was persons with disabilities, various branches of the government—to come together and work in partnership to help identify some of the problems that are impacting on people with disabilities in the community. The message that came through loud and clear very quickly was the problems that were associated with the disabled parking.

The disabled parking basically breaks down into two key issues. There are the marked, designated disabled parking spaces, which are governed by municipal bylaws, and then there are the issues with respect to the use of the disabled person parking permit, and that is governed by the Ministry of Transportation and the Highway Traffic Act.

1710

This act here today, this Bill 125 that's coming forward, has taken two key pieces of that puzzle. With municipal parking, there are amendments to the Municipal Act that will see set fines for the offence of parking illegally raised to a minimum of \$300 in municipalities that have disabled bylaws. That's just one very important piece of the puzzle. The other part of the puzzle is maintaining the integrity of the disabled person parking permit program. Those are the little placards you see that are issued by the province to people with disabilities.

There is a host of problems with that system, but part of the problem is there is an apparent lack of integrity in the system. The system was put in place in the late 1980s, when there was a lack of digital technology. It was available to high-end print shops etc, but to the average person, the day-to-day user, the technology wasn't available. A lot has changed and I would have to applaud the government for recognizing in this legislation that they're trying to restore some of the integrity to the disabled permit program. What's being proposed here isn't going to do it in its entirety. There's an education component needed and there are components needed in restoring integrity in terms of document protection and anti-counterfeiting measures.

But what we're dealing with here today as proposed in this legislation is a good start. What it's going to propose with amendments to the Highway Traffic Act is it has recognized the amount of rampant abuse that's out there with photocopies, illegal reproductions and people loaning permits, so there are amendments to the Highway Traffic Act that set out offences for those. It has also recognized the seriousness of the offence in that it has raised the minimum fines, which will go from, I believe, \$60 now to \$300 and it will raise the maximum for the misuse of a disabled permit up to \$5,000.

I've heard a lot of people, and we've had calls—it gets their attention really quickly: \$5,000 for a disabled parking fine. But when you start to consider the amount of money that's involved—and I'll give you an example in downtown Toronto. At the Royal Bank Plaza it's \$28 per day to park. We have a lot of abuse in the downtown

core. These are people abusing permits, buying them on the black market, using them and parking their vehicles in downtown Toronto. They're saving in excess of \$500 per month, after-tax dollars. If you take that on the life of a permit and you're saving \$6,000 a year over five years of parking—the life of a permit—you could stand to save over \$30,000, after-tax dollars. It's the equivalent of the cost of a car. You can see there's a great financial incentive.

Typically, what we're seeing when we go to court are fines in the range of \$50 to \$100. It's a lot of work. A lot of time and energy is spent investigating these matters and, quite frankly, to go into court and get a \$100 fine at the end of the day is just a cost of doing business. So again, I have to applaud the government for recognizing this and at least putting some teeth into the legislation that will deal with the misuse of disabled permits and the designated disabled parking spots.

We've heard a lot of discussions. I'm not in a position to talk about the other aspects of the ODA. One thing I will comment on is that I like to look at things and see them as opportunities. I believe we have an opportunity here. We've put forward the disabled liaison unit, the steering committee comprised of community volunteers, and we've looked at this as an opportunity that if the fines are going to go to \$300 in the municipalities specifically for parking illegally in disabled spots, then we take that and put a proposal forward and append it to the submission. What it proposes is that we create a barrier-free and access awareness fund for the city of Toronto. It would collect monies from those fines that would be levied to go toward access and awareness programs in the city of Toronto to help identify and remove barriers. Based on figures of enforcement over the past three years, it averaged about 5,000 parking tags per year, and at \$300, it worked out to an income stream of about \$1.5 million.

The reason I wish to share this with the committee is that if we take the mindset that instead of always looking punitively in terms of compliance, we look at rewards, here's an opportunity now for the city to develop an income stream based on offenders that's no different from what's in place currently under the Provincial Offences Act, the victim fine surcharge you see with HTA offences. This would apply to the municipalities, and it's an opportunity for them to basically achieve two things. It's a fine that's in place that will act as a deterrent to those offending, but also, for those who do offend, their money is not just going into general coffers but in fact will go to promoting awareness and access for the people with disabilities who are, of course, displaced when people park in these positions.

In closing, I would do a disservice to this issue if I were to come down and say it's a Toronto-centric kind of universe or a Toronto-centric problem. It's not, in fact; it's a province-wide problem. Part of the problem we've seen with barrier-free access is that there's a certain familiarity in smaller communities, so we're not getting complaints about the barrier-free access because often-

times, by ways and means, people are looked after in the smaller communities. But what we are finding in smaller communities is that for people who have been issued permits, a lot are being stolen from these people—they become victims—and the permits in fact are being used in downtown Toronto. That is not uncommon.

So I would suggest to the committee that this problem is province-wide, that the initiatives that are being put in place will help maintain the integrity of the provincial system and that the parking fines—it may be considered at first thought that \$300 is fairly steep—are in keeping with other jurisdictions stateside. Quite frankly, this is good legislation. It's going to set the pace. It's good for now, 2002, and I think it's very good for what we can have in the future, because by the year 2010, my understanding is that the population of seniors in the province will practically double within the next eight years. So it's good that we tool up now and look toward the future.

The Chair: We have approximately two minutes per caucus.

Mr Martin: It indeed is a more complicated issue than I would guess at first blush: just simply increase the fine and everything's going to be fine. You've made some reference to some of the other attendant concerns that are out there.

It seems to me that this piece of this act, and maybe you can let me know, would be dealt with better as a bill coming out of the Solicitor General's office. For one thing, enforcement is a problem, and if I'm correct, we have fewer police officers out there now than we've had, and that complicates the issue. This kind of thing, when you consider everything else, has a tendency to have a lower priority where police forces are concerned, so I'm told by disabled folks. In fact, whether simply raising the fine or not is going to do the whole thing is also beyond me.

Having said that, I guess the question is, is this an issue that perhaps should be stand-alone and should be dealt with more appropriately out of the Solicitor General's bailiwick?

Mr Keown: My answer to the committee on that question is, the perspective I've seen that has come out of this bill is they've recognized disabled parking and this component of it as a barrier-free access and a human rights issue. So I would have to argue that it's not inappropriate that it's being dealt with in this bill in that they've recognized, like I said, that as a human rights, barrier-free access issue, it's not inappropriate; as an enforcement issue strictly, it could be argued that perhaps it should be done by the Solicitor General.

I will report to the committee that, as we speak, there are other initiatives ongoing concurrently with the Ministry of Transportation. We are also working with the Ministry of Municipal Affairs and the Ministry of Citizenship on other matters that are relevant to the disabled permit program. So this part of it with respect to fines, this part with respect to the permits and the creation of the extra offences, I think, as being included in the ODA, is an important part of helping achieve it. If the goals are

to identify and eliminate barriers in the province, then I see this has a certain natural affinity.

1720

Mr Spina: One of the elements that has been brought forward has to do with enforcement. If amendments were brought forward that would make various things mandatory in one way, shape or form, or timelines were put into place for compliance, one of the concerns that has been expressed to us is the element of enforcement. From your perspective, would a bylaw enforcement unit be sufficient to be able to enforce that sort of thing or would you need another special type of body?

Mr Keown: Just so I'm clear on your question, are you talking with respect to the disabled parking or are you talking with respect to compliance issues in terms of identifying barrier-free access?

Mr Spina: In the broader scale; in the broader spectrum. Clearly, I think you've identified that with the parking issue, police officers and the bylaw enforcement unit can do it now. But if we expanded the enforcement of compliance to be other elements of enforcement, do you think they would be able to handle that? I guess that's the real question.

Mr Keown: I don't know if it would be appropriate for law enforcement agencies to be getting into the jurisdiction of human rights. I think there are places and mechanisms in place, such as the Ontario Human Rights Commission, to look at some of these issues. If you look at the five key areas of service delivery for policing, whether it be crime prevention, law enforcement, victim assistance, public order maintenance or emergency response, in any of those key areas I really can't see where you would have, in terms of policing, this type of legislation when it goes out. If you look at the city of Toronto as an example, they have their own property standards, and they go out and look at the bylaw issues with respect to property. That may be a more appropriate branch, as opposed to a policing service.

Mr Gerry Phillips (Scarborough-Agincourt): Thank you, Sergeant. Brian and I go back 25 years, we coached hockey together for 20 years, so he's a long-standing friend. He not only knows this area but he's the expert on youth gangs on the Toronto Police Service, so he's someone who really understands a lot of different issues. I'm glad to see you here today.

In terms of the response, was this proposal for the use of the fines discussed with the city of Toronto? Did you have a chance to take it to council there, and did they express any views on it?

Mr Keown: Not as yet. If you notice on the document, it's a draft proposal for discussion purposes. We're looking at feasibility. It has also been down to the disabled advisory committee to look at the issue. Our next step: we'll be going to council, through our police services board, to look for the feasibility and implementation that will be done.

Mr Phillips: In terms of the integrity of the stickers—and you point out the immensity of the problem—in your mind, does the bill provide the sorts of steps that will

allow the system to be relatively foolproof in terms of preventing counterfeit and identifying stolen permits?

Mr Keown: No. The reason I say that, and I'll have to qualify that, is that this is done right at the very back end. This legislation deals with the back end of the enforcement. From what I see here, it's not intended that it will cure the problems with respect to the misuse of disabled permits. What it will do is allow us, at the end of an investigation, to have something with a little more teeth in it at the adjudication process.

What is going on right now, concurrently, with both the Ministry of Transportation and the Ministry of Municipal Affairs and Housing, is that the document protection issues are being looked at. A person has come forward from the community, through a contact at City-TV, who has offered to the province the anti-counterfeiting measures that could be implemented into this document, and they're better than currency grade. That's being worked on. So there are other issues; you're absolutely right.

There are other issues also with respect to permit issuance, but these are all ongoing. The province did commit, back in the fall of 2000, to do a full review of the disabled persons parking permit program, so that is ongoing. But this part here with respect to the fines and the addition of these extra offences gives us a little bit of extra teeth at the enforcement end, which is ongoing now.

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

LEARNING OPPORTUNITIES TASK FORCE

The Chair: Our next presentation 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 afternoon.

Ms Eva Nichols: Actually, my presentation this afternoon is not on behalf of the Learning Disabilities Association of Ontario, although I do quite a bit of work for them, but instead on behalf of the Learning Opportunities Task Force, which is a government initiative to support people with learning disabilities. We work very closely with the Learning Disabilities Association but you will be hearing from them tomorrow morning at 9 o'clock.

My name is Eva Nichols. I have been working in the field of learning disabilities for the past 18 years, for the Learning Disabilities Association and in a number of other areas, but today I would like to speak on behalf of the Learning Opportunities Task Force.

This is an initiative that was established by the government of Ontario in the 1997 budget, essentially to improve the situation of students with learning disabilities within the post-secondary education sector. We proceeded with this by establishing some pilot projects, and we currently have 10 institutions in the province that run special programs for students with learning disabilities.

Regrettably, I'm in the uncomfortable situation of being funded by the government but coming here to

suggest to the government, very respectfully, that this bill simply does not do anything very much or anything very useful for people with learning disabilities. I recognize that many of you perhaps are not as aware of learning disabilities as you are of other more obvious and more visible disabilities, but in fact the population I work with and represent is the single, largest group of people with disabilities, albeit their disability is invisible so you can't simply pick them out in a group of people. But when you look at the educational system, both elementary and secondary, or the post-secondary, more than 50% of the students who are participating in these are students with learning disabilities.

When the previous versions of the Ontarians with Disabilities Act were tabled, we expressed our expectations of an Ontarians with Disabilities Act and we talked about the fact that we were looking to have an elimination of barriers to full participation for people with learning disabilities; a recognition of all disability groups and their diverse needs; access to not just physical but also financial program and service delivery issues; mandatory compliance within the public and the private sector; accountability; and both incentives and penalties for compliance and implementation.

What we have here is a bill which focuses almost exclusively on physical access. I would not like to suggest for a second that that isn't very important or that in some way you should eliminate that part of it. I merely want to express to you that for the kinds of people I work with, physical access is simply not enough.

1730

There is nothing mandatory in this act other than the writing of plans. There is no real accountability. There are no incentives or penalties. In fact, we are really afraid that the requirement for developing plans without timelines and without accountability components will simply result in service dollars being spent on writing plans, either individually or jointly, but not necessarily resulting in any changes whatsoever. This is particularly true for organizations like school boards, colleges and universities.

Those of you who have been involved with the Legislature for a long time will recall that in 1992 there was a report of an interministerial working group that had been looking at the situation of people with learning disabilities in Ontario. At that time it was identified, and this was a government report, that the government of Ontario discriminates significantly against people with learning disabilities and that inequality was the current reality for persons with learning disabilities in Ontario in 1992. Regrettably, some of that has not changed. Yes, we have the Learning Opportunities Task Force and we are learning a tremendous amount about how we can improve situations in the post-secondary system. We have high hopes that the government will in fact implement our recommendations when they are finally tabled in full.

But there were two significant access issues identified for people with learning disabilities in 1992, neither of which has been addressed so far and which this current

Ontarians with Disabilities Act still doesn't address. The first one and probably the more important is the issue of assessments. If you don't have a decent assessment diagnosing the learning disability and recommending the programming, service and accommodations that these individuals need, then they are simply not going to be successful. Learning disabilities are still the only disability area where any of the health insurance plans simply don't cover assessments, because it is psychologists who diagnose learning disabilities and not medical practitioners.

Most private sector benefits have cut back on their support for psychological assessments. While the school boards certainly do assessments, the recent changes to the funding formula have really meant that they are essentially diagnosing for the greatest amount of dollars that they can get, so in many cases students with learning disabilities are left out. Our pilot projects over the last four years have shown that over 85% of students arrive at college or university with inadequate or inappropriate documentation or diagnostic information.

There are ways of paying for an assessment, of course, in a college or university system. There is the bursary for students with disabilities. In fact, this last year the federal government finally allowed a special dispensation that the bursary could be utilized for learning disability assessments. However, here in Ontario it is still tied totally to being eligible for the Ontario student assistance program, and in practice that means that the majority of students who arrive at college or university with inappropriate documentation, inappropriate assessment, also can't access the bursary, which is a taxable benefit, so really they should be able to. Because the learning disability cannot be seen, more than any other group of people with disabilities, people with learning disabilities are frequently faced with demands for reverification to prove that they still have the disability with which they were born and which they will have till the end of their lives.

The other issue that is almost as important is the fact that in the 1992 report, it was identified that the assistive devices program of the Ministry of Health by policy has excluded and continues to exclude people with learning disabilities. If you have any other kind of disability, you can have access to assistive devices—maybe not enough, maybe not right, but you can have that access. For people with learning disabilities, that doesn't exist. The school board funding for adaptive technology and assistive devices only funds equipment that can be used in the school. The students can't take it home and therefore simply can't utilize it. This has a major impact for education but it also has an impact for employment. There are many people who will say that if you have to have a learning disability, this is a good time to have a learning disability because we have such wonderful technology. It really is too bad that so many people don't have access to it because they can't purchase it through a bursary and they are not eligible for the assistive devices program.

In the brief I distributed to you I have actually made some very specific recommendations on behalf of the

task force about sections of the bill, but I felt that I needed to highlight these issues as really being the fundamental components of where the barriers for people with learning disabilities lie. I would respectfully request that you really consider the situations of people with invisible disabilities, and learning disabilities in particular, and make the requisite amendments to this bill so that we end up with an Ontarians with Disabilities Act which is meaningful, which does include all people with disabilities, including those who have learning disabilities, and that really eliminates the kinds of barriers, not just physical ones, which so many people with disabilities face. Thank you.

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

Mr Spina: Thank you, Ms Nichols, for coming. Learning disabilities: I'm trying to bridge it, so if you don't mind, help me. I'm familiar with it; I'm trying to figure out how that may or may not be able to be bridged as part of this act. In some elements we have seen people who have, either from birth or acquired, brain injuries which would result in a learning disability. Certainly we can see that visual or hearing impairments or a total lack would be a learning disability. I'm wondering if you could expand on perhaps other disabilities and how they might be able to be bridged in the application of this legislation.

Ms Nichols: If you will forgive me, visual and hearing impairments are not traditionally considered learning disabilities in and of themselves, although many people who have those problems also have learning disabilities. The places in this bill where you could in fact improve things for people with learning disabilities: when you discuss access and you talk about such things as communication, for example, there is no requirement in this bill that materials be in alternative formats when they are developed. There is no requirement to implement all kinds of recommendations that have come to the government around access to print materials for people who are print-disabled. It is often not recognized that in addition to people who are blind, people with dyslexia are print-disabled and would benefit from that.

The issue around assessment: if I could rewrite this bill, I would certainly define "access" in a much broader sense in recognition of the fact that physical access is important, but it's only the first step. Second, I would mandate that the plans that organizations, institutions, agencies have to prepare should have some common elements and should specify exactly what they should contain in terms of timelines and in terms of compliance, in terms of accountability measures. I would specify that when organizations develop and implement such plans, they mustn't use service dollars and take it away from the people who are supposed to be benefiting from the service just to write plans. I would say that I would establish a process for reviewing the plans and having people report on a regular basis, not just on what is in the plan but how they have implemented it and how people with disabilities have benefited from the work that has

been done. If all those changes occurred, then I think we would have the beginnings of a good Ontarians with Disabilities Act.

You didn't ask this, but I would like to add that one of the things that we personally are very happy about is that you didn't model things on the Americans with Disabilities Act, because that particular piece of legislation significantly discriminates against people with learning disabilities precisely because of some of the issues around not understanding what people with learning disabilities need. So we are glad about that piece, at least.

1740

The Chair: Thank you very much. I'll go to the official opposition.

Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): As one who has been involved much of my life in education, particularly students with special needs, I'd be interested to hear from you about access points. If I'm reading between the lines correctly, I think we're talking about accessing opportunities. We hear a lot about speech therapy and access to speech therapy, and IEPs in schools and what have you.

Can you help us a bit with how we might modify the act to not only do what you want to do, broaden the scope, but also to help us understand where those with special learning needs might be able to access opportunities they need?

Ms Nichols: The barriers for people with learning disabilities, if I may come at it that way, are certainly not physical access, nor have we ever suggested through the work of the Learning Opportunities Task Force that standards should be lowered so that people should get into college or university with poorer marks than other students.

However, once they get there they absolutely have to have access to instruction that is appropriate. South of the border there is a lot of work being done on universal instructional design, which is not just for people with learning disabilities or even special needs, but a way of teaching so that anybody who has any kind of non-traditional needs can access this.

It consists of such things as adaptive technology and access to accommodations, which are certainly mandated by the Human Rights Code, but currently some of our colleges and universities can certainly deny accommodation and cite academic freedom as the reason for not allowing a student to tape-record a lecture or not allowing a student to utilize a computer when writing an exam.

There are those kinds of access issues. A particular one that is a major problem, and you probably won't hear from anybody else about this, is that in spite of the fact that this province has some wonderful things happening in education, we rely on the United States to provide many of the professional entrance exams, things like the law school admission test, the LSAT, the MCAT, the graduate records exam. They apply their legislation and, as a result, many students with learning disabilities attending an Ontario university and then attending an Ontario law school can't actually get the kinds of accom-

modations that our Human Rights Code mandates because the United States legislation doesn't allow for that.

That's a very peculiar issue to people with learning disabilities, but I think that education in Ontario has come of an age where really we should be doing some of this for ourselves and not allowing other people's legislation to create barriers for our students.

Mr Martin: Thank you very much for coming today and challenging us again, as you always do when you come before us. You make reference to two points that I wanted to ask you about. You mention in your brief the Human Rights Commission and the Human Rights Code. We had people before us in Windsor yesterday who suggested that the act as it now stands would in fact remove some rights of the disabled where the Human Rights Commission is concerned. This was a legal clinic out of Windsor which suggested that—so it doesn't just not do anything, it in fact takes away.

The other issue is the issue of learning disabilities. It seems to me that at the bottom of all of this is lack of resources, lack of funding for school boards to do the kinds of things they know they need to do and want to do, but the priorities they choose are different, unfortunately, in some instances. This government has chosen priorities. It has chosen to spend money on tax breaks for corporations and individuals, which effectively removes money from the public pot for this kind of thing. Without the resources attached to this bill, it seems to me it just makes what you're requiring undoable.

Ms Nichols: Just very quickly to respond: in terms of taking away from what the Human Rights Commission provides, I think that an institution could in fact legitimately under this bill refuse accommodations at a given time on the grounds that their plan doesn't call for this to happen until next year or the year after. So in that regard—perhaps unusual circumstances—one could actually imagine the Human Rights Code sort of being overridden by a plan of a particular institution.

Without commenting on the government's priorities in funding or anything like that, which I don't wish to, there certainly is a major issue around the whole area of special education and how special education is funded. It's a particular issue in the north where you come from, partly because of money but also because of qualified professionals who are not available there.

I would not look to this bill to address all of those issues by any means. But in terms of the plans and how school boards will work on their accessibility plans and how that will improve things for students with learning disabilities, I cannot see.

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

COALITION FOR LESBIAN AND GAY RIGHTS IN ONTARIO

The Chair: Our last presentation this afternoon is the Coalition for Lesbian and Gay Rights in Ontario. I would ask the presenter or presenters to please come forward

and state your name for the record. On behalf of the committee, welcome. You have 20 minutes for your presentation.

Mr Nick Mulé: I'm Nick Mulé and I'm a spokesperson and one of the directors of the Coalition for Lesbian and Gay Rights in Ontario, also known as CLGRO. Thanks for inviting me this evening.

As a member organization of the Ontarians with Disabilities Act Committee, we support the 11 principles set forth by the committee toward making this act a strong and effective one. We urge the government to incorporate these principles in the bill in order to strengthen an otherwise insubstantial proposal we have before us, from merely creating opportunities to remove barriers to actually achieving barrier removal for all people.

Some general concerns regarding the bill: the bill focuses too heavily on improving opportunities for persons with disabilities by creating lists of barriers and coming up with ideas on how to remove them. This may be a step in the process of achieving a barrier-free Ontario, but a preliminary one at best, as there is a long history of Ontarians with disabilities facing barriers. Time would better be spent by having the government tap into the expertise that currently exists among the 1.6 million people with disabilities who reside in this province. In other words, the emphasis should be placed on barrier removal and prevention, rather than exploration, at this point.

Although it is proposed that a provincial disability advisory committee be struck, its powers are extremely limited, to the point of not being included in the development of regulations or standards under the bill.

In addition to the provincial disability advisory committee is a proposed disability directorate. Although welcome concepts, they represent resurrected ones, for both have at one time existed in this province, only to be downsized if not altogether abolished. Today we are presented once again with these concepts, whose viability is being questioned due to the limited mandate given to each.

The time it has taken for this government to come forward with this act only exacerbates the disappointment experienced due to the bill's lack of teeth. It provides next to no mandatory changes. It provides for no timelines. It provides for no means of enforcement. For the most part it places responsibility for the implementation of changes on to municipalities, of not less than 10,000 at that.

The private sector is not addressed as equally as the public sector, which is a serious concern given the alarming rate of unemployment among the disabled in this province.

The role of the voices of persons with disabilities in eliminating and preventing barriers is advisory at best and at worst government-appointed. These raise serious concerns about the effectiveness and broad-based representation of these voices.

Some specific concerns regarding sexual minorities with disabilities: lesbians, gays, bisexuals, transsexuals

and transgendered people—for short here we refer to them as sexual minorities—with disabilities as a population face barriers on two levels, their disability and their sexual orientation and/or gender identity. Visibility may or may not be a factor in either or both, but the fact that both are the person's reality presents a double set of barriers in a society that expresses discomfort around disabilities and heterosexism and homophobia toward those who do not identify as straight. All aspects of daily living can be compromised by these two factors, from housing, employment, transportation and means of communication to receiving goods and services. What underscores the restrictions and limitations faced by sexual minorities with disabilities is the insidious attitudinal barrier.

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In a province-wide study we conducted on addressing the health care and social service needs of sexual minorities in Ontario, we found 20% of survey respondents described themselves as having a disability or chronic illness; 50% of male respondents in this category reported being HIV-positive; 72% of all respondents with disabilities were receiving social assistance; 67% of women with disabilities did not come out to their health care providers, believing that to do so would negatively affect the way they were treated; 48% said they were unable to pay for counselling or therapy.

Some anecdotal reports included: negative attitudes by special transportation drivers when transporting an individual to a gay-identified venue; discomfort expressed by home care workers when visiting a lesbian, gay or bisexual's home upon realizing the relationships, literature or artwork in the home; personal attendant care providers refusing to work with lesbian, gay or bisexual people who are in need of such services; great difficulty in accessing lesbian, gay and bisexual literature and other affirming materials, particularly for those in institutional settings; health care and social service professionals who have difficulty accepting that people with disabilities are sexual beings, let alone lesbian, gay or bisexual; gender-based shelters dealing with homelessness, addictions or mental illness were ill-equipped to deal with the trans populations; and the need to seek out private services that are lesbian, gay, bisexual and trans-positive, rather than face discrimination through the public service system, and then struggling to find the funds to afford them.

We put forward some recommendations, the first of which is, given that the Ontarians with Disabilities Act would impact on all provincial government ministries, it is imperative that cultural sensitivity training inclusive of sexual minority issues be undertaken at all provincial government levels.

In the absence of employment equity legislation, efforts must be made through the Ontarians with Disabilities Act to address barriers to obtaining and maintaining employment to both address the disproportionate rate of unemployed in this population as well as those who are specifically marginalized within this population, such as sexual minorities. This must be applied equally to both the public and private sectors.

Health care and social service organizations serving those with disabilities or chronic illnesses must ensure that their facilities are fully barrier-free, and train their staff to expect clients—patients—who are lesbian, gay, bisexual, transsexual or transgendered and acknowledge that their clients or patients may have sexual, loving same-sex relationships.

Health care and social service organizations must conduct research on the degree of hostility, discomfort or receptiveness of those providing service to lesbian, gay, bisexual, transsexual or transgendered people with disabilities or chronic illnesses, as well as the varying degrees of visibility and duration of chronic illnesses or disabilities for lesbian, gay, bisexual, transsexual or transgendered people. Research methods must not force disclosure of sexual orientation or make unrealistic demands on stamina or mobility.

Publicly funded producers of sex information and sexuality-training materials for people with disabilities must include information for and about transsexual, transgendered people and people of all sexual orientations.

Finally, residential facilities for people with disabilities must develop policies and procedures acknowledging that they have lesbian, gay, bisexual, transsexual and transgendered clients and accommodating their special needs.

In concluding here, the issue that we are bringing forth is one very much of attitudinal barriers, and we feel that's a piece that's missing in this act. It is an act that focuses specifically on people with disabilities, and that needs to be first and foremost, but what we are bringing across is that people with disabilities are more than just people with disabilities. Groups that are marginalized within that population, be they women, the elderly, children, multiple disabilities, class issues, sexual orientation, ethnicity, religion—many things—have to be taken into consideration. Attitudinal change is difficult, but at the same time if we're only working on attitudinal changes around how we work with people who have disabilities, we have to take into consideration that there's more to them than just that.

That concludes my presentation.

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

Mr George Smitherman (Toronto Centre-Rosedale): Nick, for a long time you and CLGRO have been involved in the struggle within the broad gay community toward full equality have and witnessed many different steps along that path. Some people who have been before this committee take the view that this is better than nothing, and they seem satisfied. That's not the majority view, but some disabled groups have spoken to that. From your standpoint, with the experience of the gay community on the road to full equality, which we're still moving down, how much better than nothing is this, in your opinion?

Mr Mulé: This is why I said in terms of my conclusion, what's presented here certainly won't go far

enough for the sexual minority communities. It may, on the front of disability issues, provide some things, although I started off by saying there's a lot to be done with this act if it's going to have any real teeth in it to do what it needs to do for people with disabilities. It will not go far enough in terms of taking into consideration the specifics of a marginalized group like the sexual minority communities. They are faced with double barriers, in essence: first, having the disability, and second, whether they can be out about their sexual orientation. That comes up in many areas of daily living, like I mentioned, in terms of transportation, employment, housing, many areas like that.

The other thing, to respond to that as well, is our community, like many communities, is on the road to equality, but at the same time, at the coalition we fight very hard for being on the road to equity as well. That's very much what this is about. It's not just so much to be the same as everyone else, but to take into perspective and to take into consideration the specifics that exist. We are not all exactly the same, and this is what we want people to be sensitive to. Oftentimes people go with the majority, which in our society happens to be heterosexual. We're asking people to step back a bit and take into consideration that there's more to a person than just their disability, and it just might be their sexual minority status.

The Chair: With that, we've run out of time. Mr Martin?

Mr Martin: Thank you for coming. On the first page you list a number of the disappointments that you see in the bill, and most of them have been listed over the last few days by others. The one that's missing is the lack of resources. I guess I tie that to another issue that you raise here, which again has been raised before but I think has particular relevance in your instance, and that's the issue of attitudinal barriers.

First of all, I would guess that you probably recognize that we need resources if we're going to do some of the education stuff that you're suggesting, but are there any other things that we could do with this bill that would help in that area of the attitudinal barriers that exist out there?

Mr Mulé: I think something needs to be stated in the bill with regard to addressing that as a concern and going that next step of talking about not only attitudinal changes with regard to disabilities, but what the person with a disability brings forward as well, that they may be female, they may have multiple health problems, they may have issues of poverty. There are many things that need to come forward, and what I'm representing today is the issue around sexual minority issues. So something needs to be stated in there in that regard.

Your other point around resources is a very good one, and that's why it's part of our recommendations, that resources need to be put in place around educational materials. Activities have to be put in place in terms of training, be it governmental staff, as well as service providers who are working with people who have

disabilities, employers out there. And it goes without saying that doesn't come without a cost. Money has to be put into this if we're going to even begin to address the huge task of attitudinal change.

The Chair: The government side?

Mr Frank Klees (Oak Ridges): Thank you for your presentation. You're not suggesting that the gay community would expect disabled within the gay community to be treated differently under this act. What I think I hear you saying is that you've got an additional issue, the attitudinal one, that somehow needs to be dealt with, and I would think on a broader level, within society.

Are you suggesting, though, that there should be something actually written into this legislation to deal with that? If so, I guess I get back to the question of, how do you legislate attitudinal change?

Mr Mulé: It's a good question. Yes, I think we would like to see something in the act that's actually written out. A starting point—again, I'm here representing one particular population of sexual minorities, but the Human Rights Code lists many characteristics that each of us

have our rights protected on, so it's that philosophical premise that I'm coming from on that.

I don't know that you can actually legislate attitudinal change, but it's something that's a start. If I speak in particular to the area of service provision that some of our recommendations address in health care and social services, a lot of the professionals in those fields are operating under codes of ethics in their own respective professions that take a lot of this into consideration but don't necessarily follow it. To have this piece in legislation is another reminder to them that this is being taken seriously and we all need to be sensitive to this; it's not just a matter of the focus being on disabilities, which is important, but there are other factors that have to be taken into consideration to see the person as a whole person.

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

This committee will reconvene at 9 o'clock tomorrow morning in this room. We're now adjourned.

The committee adjourned at 1801.

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