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**SUMMARY OF RECOMMENDATIONS: BILL 125,
THE *ONTARIANS WITH DISABILITIES ACT****

Prepared for:

Standing Committee on Finance and
Economic Affairs

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INTRODUCTION

This document summarizes the presentations made to the Standing Committee on Finance and Economic Affairs during its hearings on Bill 125, the *Ontarians with Disabilities Act*, in Ottawa, Windsor,* Toronto, Thunder Bay, and Sudbury, on November 30 and December 3 to 7, 2001. (*Hansard* was unavailable for any of the days of hearings.)

The summary is intended as a working document to aid Members in their clause-by-clause consideration of the Bill. It is neither a complete historical record of all the evidence set before the Committee nor a comprehensive review of the arguments made by witnesses. Comments have been abbreviated and arguments summarized. Submissions expressing similar points of view have sometimes been collapsed into one recommendation. For a full account of the evidence presented to the Committee, reference should be made to *Hansard* and to the briefs.

Witnesses and those who made written submissions received by the Legislative Library by December 7, 2001 are identified by abbreviations or surnames, an alphabetical list of which appears at the end of the document.

Please note that the National Federation for the Blind (NFB) and the Canadian Council for the Blind, Ontario Division (CCB-OD) both endorse the amendments put forward by the Ontarians with Disabilities Act Committee (ODAC), “in particular as they pertain to the development of regulations, standards, clarifications, and additions, . . . , in most respects.” The Canadian Mental Health Association, Ontario Division (CMHA-OD) supports those ODAC recommendations that will clarify the language and create clear obligations that apply across all sectors.

* The presentation of the Windsor-Essex Bilingual Legal Clinic has not been included as no brief was available.

PREAMBLE

Include as goals the 11 principles set out by the Ontarians with Disabilities Committee.

(OBIA, OBIA-SD)

INTERPRETATION

Section 1: Purpose

Replace with:

The purpose of this Act is to achieve a barrier-free Ontario for persons with disabilities through the identification and removal of existing barriers and the prevention of new barriers which prevent persons with disabilities from fully participating in all aspects of life in Ontario and to ensure that they play a central role in the mechanisms established to achieve this goal.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WACRiback, CAMH, TBDIW, HAGI, Dube, CHS-OD, CHS-WR)

The stated purpose should be the removal of all barriers for persons with disabilities in Ontario to enable full participation. While this aim cannot be achieved overnight and will require a long-term commitment from all sectors, it remains the ultimate goal.

(CNIB-CK, CNIB-OD, CNIB-TB)

State that a purpose of the Act is the achievement of a barrier-free Ontario.

(CHS-OD, CHS-WR, CTCAC)

Establish barrier removal and prevention as the goal of the legislation. The plans are the mechanism for achieving that goal, not the ends in and of themselves.

(CMHA-OD, Riback)

Widen to better capture the intent of *Ontario's Vision for Persons with Disabilities*. More inclusive language would be the following:

The purpose of this Act is to achieve a barrier-free Ontario for persons with disabilities through the identification and removal of existing barriers and the prevention of new barriers with the significant involvement of persons with disabilities.

(MSS-OD, BMCC)

The wording is acceptable as long as “improve” is the equivalent of “provide.”

(Bagga)

Section 2: Definitions

“accessibility”

Strengthen the Bill by defining “accessibility.”

(LOTF)

“agency”

Clarify the term.

(Bagga)

“barrier”

Replace with:

“barrier” means anything that prevents a person from fully participating in all aspects of society because of his or her disability. Without limiting the generality of the foregoing, a barrier can be a physical barrier, including architectural barriers, an information or communication barrier such as a method of communication, an attitudinal barrier and/or a technological barrier, and barriers can include a policy or practice.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Bagga, OACL, Riback, TBDIW, HAGI, DWCCN, Dube, CHS-OD, CHS-WR)

Replace with:

“barrier” means anything that prevents a person with a disability from fully participating in all aspects of society because of his or her disability. Without limiting the generality of the foregoing, a barrier can be a physical barrier, an information or communication barrier, including a method of communication, an attitudinal barrier, a technological barrier, a policy or practice.

(CMHA-OD, Riback, CAMH)

Remove the phrase “not an obstacle for other persons” or the interpretation will allow for the exclusion of many significant barriers faced by persons with disabilities that others may also face.

(PUSH-NW)

Expand to include education, recreation, housing, public transportation, employment, and health services.

(BMCC)

Add financial and technical barriers. Physical barriers are important, but recognize that other types of barriers are of equal importance.

(SAODAC, Black, NEORAD)

“disability”

Amend to add environmental and chemical sensitivity, and brain injury:

(a) any degree of physical disability, infirmity, malformation or disfigurement, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impairment, deafness or hearing impediment, chemical and environmental sensitivities, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device;

(b) an intellectual disability;

(c) (1) brain injury;

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, OACL, Riback, TBDIW, DWCCN, Dube, HAGI, CHS-OD, CHS-WR)

Replace with:

“disability” means:

(a) any degree of physical disability, infirmity, malformation or disfigurement and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impairment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device;

(b) intellectual disability;

(c) same as Bill

(c1). a brain injury

(d) the total or partial loss of mental functions, or a mental disorder, impairment, condition, illness or disease that affects a person’s thought processes, perception of reality, emotions or judgement or that results in altered behaviour;

(e) same as Bill

and includes a disability that:

(f) exists at present; or

(g) previously existed but no longer exists; or

(h) may exist in the future; or

(i) is imputed to a person.

(CMHA-OD, Riback, CAMH)

The definition must include brain injury.

(OBIA, OBIA-CK, OBIA-OC, OBIA-SD, OBIA-TB, BMCC)

All persons with disabilities, including those with developmental disabilities, must be protected.

(Germain)

Use generic terms rather than naming specific diseases.

(MSS-OC)

Add “any combination of items a) to e).”

(Bagga)

“employees of the Government of Ontario”

Add:

For the purposes of this Act, any reference to “employees of the Government of Ontario” also includes consultants, agents or contractors or anyone else doing work with or for the Ontario Government in order to ensure that all persons paid with government funds for their work or services are covered by this legislation.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, Dube, TBDIW, DWCCN, CHS-OD, CHS-WR)

“Government of Ontario”

Amend to include “the Legislature and Legislative Assembly of Ontario and its officers.”

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, HAGI, TBDIW, DWCCN, Dube, CHS-OD, CHS-WR)

“ministry”

Amend to read:

“ministry” means a ministry of the Government of Ontario and includes any other organization that the regulations designate as a ministry for the purposes of this Act, but does not include an organization.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW, DWCCN, Dube, CHS-OD, CHS-WR)

“Ontario Government publication”

Amend to read:

“Ontario Government publication” means a publication or an appendix to a publication in any form, including print and electronic forms, that the Government of Ontario, an officer of the Assembly or an officer of the Legislature issues; or a publication that is created by any organization with funds provided by the Ontario Government.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW,
DWCCN, Dube, CHS-OD, CHS-WR)

Restrictions are implied within this definition. Government publications that would be made available to members of the public should also be made available to persons with vision impairments if requested, in the format of their choice.

(CNIB-OD, CNIB-EK, CNIB-TB)

“organization”

Add:

“organization” means any person, entity or class or persons or entity carrying out a business, enterprise or other activity that offers goods, facilities or services, and without limiting the generality of the foregoing, includes every district school board as defined in s. 1 of the *Education Act* and every board established under s. 68 of that Act, every hospital as defined in the *Public Hospitals Act* and every private hospital operated under the authority of a licence issued under the *Private Hospitals Act*, a board of governors of a college of applied arts and technology, and every university in Ontario, and its affiliated and federated colleges.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW,
DWCCN, Dube, CHS-OD, CHS-WR)

“Scheduled organization”

Delete the definition and the related schedule.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW,
DWCCN, Dube, CHS-OD, CHS-WR, OACL)

Section 3(1): Recognition of existing legal obligations

Amend to read:

Nothing in this Act or in any regulations or standards or guidelines made pursuant to it diminishes in any way the obligations of any person or organization, including the Government of Ontario, to persons with disabilities.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW,
DWCCN, Dube, CHS-OD, CHS-WR)

Require the government and other organizations to establish barrier-free workplaces through the use of barrier-free plans. This will not only continue to require the organization or government to provide accommodation, but it will also require proactive steps that will ultimately reduce the need for individual accommodation.

(CMHA-OD, Riback)

Some people with multiple sclerosis are worried that the Bill might actually reduce the existing rights of people with disabilities. To overcome this fear, amend s. 3 to read as follows:

Nothing in this Act or any regulations or guidelines made pursuant to it diminishes in any way the obligations of any person or organization, including the Government of Ontario, to persons with disabilities, whether guaranteed under the *Human Rights Code* or under any other Act or regulation in Ontario.

(MSS-OD)

Section 3 (2): Human Rights Code not limited

Strengthen Bill 125 by linking it more directly to the *Human Rights Code* and the work of the Human Rights Commission.

(LDAO, LOTF)

DUTIES OF THE GOVERNMENT OF ONTARIO

Section 4(1): Government buildings, structures and premises

The Accessibility Advisory Council should develop the guidelines which should “ensure” rather than “promote” accessibility.

(OMOD)

Amend as follows:

In consultation with persons with disabilities through the Barrier-Free Council and Directorate and others, the Government of Ontario shall develop and adopt barrier-free design standards to promote accessibility for persons with disabilities to buildings, structures and premises, or parts of buildings, structures and premises, that the Government owns, purchases, leases, or constructs whether or not the building is significantly renovated after this section comes into force. These standards must address all types of barriers, not only barriers to physical access.

For the purposes of this section, the obligation to develop standards can include adopting or adapting existing guidelines. The standards must be incorporated into regulations no later than six months after they are completed.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, HAGI, TBDIW, DWCCN, Dube, CHS-OD, CHS-WR)

Replace “purchases” with “owns.”

(SAODAC)

Require the guidelines to apply to all government buildings, whether currently occupied, purchased, constructed, leased or renovated. The timelines for compliance may differ, but there is no justification for permitted barriers to remain in buildings currently occupied by the government.

(CMHA-OD, Riback, OPSEU)

Implement a time frame to allow existing structures (public and private) to become accessible. Barrier-free buildings should consist of space that will be physically, audibly and visually accessible.

(SDC)

Work with persons with disabilities to develop barrier-free design standards for all existing and new buildings, including shopping malls and other places attended by young people with disabilities and their families.

(BMCC)

“Regulations” would be stronger than “guidelines” in terms of their enforceability.

(CNIB-OD, CNIB-EK)

“Standards” would be stronger than “guidelines.”

(CNIB-TB)

Amend to address all types of barriers that impede people with disabilities, not just physical access barriers. Introduce timelines to address barrier problems in existing buildings.

(MSS-OD, OPSEU)

Add “the Accessibility Advisory Council of Ontario” after “in consultation with”.

(CPAO)

Section 4(2): Level of Accessibility

Delete.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW, DWCCN, Dube, CHS-OD, CHS-WR)

Delete this section as it permits the guidelines to be as low as standards in the *Building Code Act, 1992*.

(AAC-CO)

Given that the *Building Code Act, 1992* is seriously lacking in its provisions for accessing the built environment by persons who are blind, visually impaired or deaf blind, the new CSA standard B651 (to be released in June 2002) should be used as the minimum standard. It addresses the access issues of persons with vision impairments much more effectively.

(CNIB-OD, CNIB-EK, CNIB-TB)

The Bill should contain the explicit intent to upgrade the *Building Code Act, 1992* to, at a minimum, the CSA guidelines.

(OMOD)

Establish a barrier-free environment as a minimum standard, rather than the *Building Code, 1992* which is insufficient. It may take a period of time until full compliance is reached with respect to existing buildings, but that is preferable to allowing existing barriers to continue and new ones to be created.

(CMHA-OD, Riback)

Given that the disability community has expressed concerns for some time that the requirements of the *Building Code Act* are themselves minimal and need to be strengthened, make amendments to the *Building Code Act*.

(CTCAC, Riback)

Linking the level of access to the *Building Code Act, 1992* addresses physical access issues on a very minimum level and does not address other types of disability access issues.

(MSS-OD)

Section 4(3): Different requirements

Amend as follows:

Regulations setting out the time frames for the development and adoption of the barrier-free design standards or other criteria shall be created no later than six

months after this legislation is proclaimed in force. The criteria used to determine the time frames may include cost, projected future occupancy, use of the building, and other relevant factors. The regulation shall be developed after consultation with persons with disabilities and other stakeholders affected by the regulation.

The Government of Ontario shall certify that the design of buildings, structures and premises, or parts of buildings, structures and premises, that it owns, purchases, leases or constructs complies with the standards before occupation of the premises or regular use of it by its employees. The certification should be publicly displayed at the site and made available to the public on request. Buildings should be re-certified on a regular basis as determined by regulation.

The standards are not regulations within the meaning of the *Regulations Act*.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW,
DWCCN, Dube, CHS-OD, CHS-WR)

Section 4(4): Duty to comply

Replace “ensure” with “certify.”

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW,
DWCCN, Dube, CHS-OD, CHS-WR)

Section 4(5): New Leases

Government departments need only “have regard” to a building’s accessibility when making a decision to occupy. 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.

(CNIB-OD, CNIB-CK, CNIB-TB)

Delete this section.

(MSS-OD)

Section 4(6): Not regulations

Delete. Standards should be set in regulations.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW,
DWCCN, Dube, CHS-OD, CHS-WR)

Section 5: Government goods and services

Amend as follows:

The Government shall not purchase goods or services for its own use, the use of its employees or the public that create or maintain barriers for persons with disabilities. Where this is not possible because the goods or services are not available in appropriate form, the Government shall ensure that the benefits of the goods and services are available for persons with disabilities at no extra cost or effort to persons with disabilities.

The Government, in consultation with persons with disabilities and others through the Directorate, shall develop regulations setting out the standards for barrier-free goods and services.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW, DWCCN, Dube, CHS-OD, CHS-WR, SAODAC)

Amend as follows:

The Government shall not purchase goods or services for the use of itself, its employees or the public that create or maintain barriers for persons with disabilities. The term “have regard” does not mean “will accommodate.”

(HAGI)

The Government must show leadership in the provision of goods and services and not provide itself with a loophole for non-compliance in the phrase “shall have regard to the accessibility for persons with disabilities to the goods or services.”

(MSS-OD)

Since accessibility to government goods and services is covered up to the undue hardship standard set by the *Human Rights Code*, it would appear that “have regard” allows for a lower standard to be used. The *Human Rights Code* definition of undue hardship should apply.

(OMOD)

Add the following:

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

In any procurement or service provision process, bids from other government departments, municipal entities or any organization subsidized by any level of government or holding any type of tax-exempt status should not be accepted. These “public” organizations should not compete with the private sector unless a

specific policy to the contrary exists (e.g. the private sector is not able or willing to undertake the work).

(NFB, CCB-OD)

Section 6: Government Internet sites

Amend as follows:

The Government of Ontario shall ensure that its Internet sites and the content provided on those sites are barrier-free. This includes ensuring that the websites do not contain content or form that perpetuates attitudinal barriers, as well as physical barriers.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW, DWCCN, Dube, CHS-OD, CHS-WR)

Replace with “the Government of Ontario shall provide its Internet sites and their content in a format that is accessible to persons with disabilities.”

(SAODAC)

There are now guidelines for the design of Internet sites that make it technically feasible to make them all accessible. Therefore, the words “technically feasible” should be removed and all government sites should be made accessible. This requirement is appropriate for other sectors as well, since the technology is available at a reasonable cost.

(CNIB-OD, CNIB-CK, CNIB-TB)

Section 7: Government publications

Include the recommendations of the Federal Task Force on Print Disabilities as a legislated requirement for access to print for Ontarians with print disabilities.

(LDAO, LOTF)

Amend as follows:

Government publications must be barrier-free in terms of both format and content. Regulations must be developed and enacted within six months of this legislation coming into effect, setting out the standard formats in which material must be available. Where a needed format is not required in the regulations, the Government must make all reasonable efforts to respond in a timely way and in any event, in not more than 72 hours, to any request for different formats. Whenever a document has been created in electronic form, it shall be available forthwith in an electronic form that is accessible on request.

In terms of content of government publications, information must be available in ways that can be understood and be free of content which would stigmatize or otherwise create a barrier for a person with a disability. Assistance in

understanding government publications must be made available to those persons who have a need for that information and whose disability makes it difficult for them to understand complex material. Where possible, plain language should be used in these publications to foster access to them for all.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, OACL, Riback, TBDIW, DWCCN, Dube, CHS-OD, CHS-WR)

Government publications must be barrier-free in terms of both format and content. Regulations must be developed and enacted, setting out the standard formats in which material must be available.

(HAGI)

Ensure that all public sector information is available in alternate formats (e.g. Braille, ASL and LSQ interpreters, captioning, low literacy level) simultaneously for all Ontarians, regardless of their disability.

(SDC)

Set a timeframe for the provision of publications in alternate formats, say 72 hours; the term “reasonable timeframe” could have many interpretations. The qualification that materials would only be available if “technically feasible” is troubling. Since most materials are now produced on a computer, production in alternate formats is 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.

(CNIB-OD, CNIB-CK, CNIB-TB)

Replace “disabilities” with “a disability” and remove “where technically feasible.”

(SAODAC)

Section 8(1): Government employees

The Government of Ontario shall create and maintain a barrier-free work environment in which persons with disabilities can obtain employment, maintain employment, fully participate in all aspects of work life, and advance in their career goals.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, NFB, MSS-OD, Riback, HAGI, TBDIW, DWCCN, Dube, CHS-OD, CHS-WR)

The obligation to create a barrier-free work environment includes all aspects of employment including recruitment and hiring, training, promotion and employment-related interactions.

A person shall be designated in each Ministry who is responsible for ensuring that appropriate accommodation is provided to persons with disabilities who require accommodation.

Information provided to the designated person concerning a person's disability shall not be disclosed to any other person without the consent of the employee, except for audit purposes.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, HAGI, TBDIW, DWCCN, Dube, CHS-OD, CHS-WR)

Section 8(2): Applicants for employment

Amend by adding:

Where a Ministry or employee determines that accommodation will not be provided, the applicant must be advised of the reasons in writing. The Deputy Minister must approve all refusals of accommodation. The applicants for accommodation may appeal the decision to the Disability Directorate. The Directorate shall consider the appeal in accordance with the duty of fairness and shall render a decision with written reasons within 30 days of receiving notification of the appeal from the person with disability.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW, DWCCN, Dube, CHS-OD, CHS-WR, OACL)

Section 8(3): Training

Add:

The Minister and Deputy Minister of each ministry are responsible for ensuring that the obligation to create a barrier-free work environment is met within their ministry, including ensuring that all employees responsible for implementation receive appropriate, ongoing training. All deputy ministers and assistant deputy ministers shall receive their training within one year of this Act coming into force. All other employees who are to receive training shall receive that training within two years of this Act coming into force.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW, DWCCN, Dube, CHS-OD, CHS-WR)

Section 8(4): Information

Add:

All employees must be made aware of the policy, of what steps are being taken to develop a barrier-free work environment and of the process for obtaining

appropriate employment accommodation. Employment accommodation must be provided in a timely manner.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW,
DWCCN, Dube, CHS-OD, CHS-WR)

Section 8(5): Reimbursement of possible expenses

Amend to provide as follows:

The Management Board Secretariat (MBS) shall, out of the money appropriated annually to it for this purpose, which shall not be an amount less than that appropriated in the fiscal year in which this Act comes into force, authorize prompt reimbursement to a ministry for eligible expenses that the ministry has incurred in fulfilling the ministry's obligations under subsections (1) and (2). The amount reimbursed should be sufficient to meet the full range of employee accommodation needs.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW,
DWCCN, Dube, CHS-OD, CHS-WR)

Section 8(6): Amount of reimbursement

Amend to provide as follows:

The reimbursement shall be in the amount that the MBS determines and be made in accordance with the standards established by the MBS. The standards shall include all types of disabilities, be made available to all employees, and be developed in consultation with employees with disabilities of the Government of Ontario, such consultation being conducted through the Disability Directorate. Consult the brief for more on this amendment.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW,
DWCCN, Dube, CHS-OD, CHS-WR)

Section 9(1): Government-funded capital programs

Amend as follows:

Capital funding for projects shall be made available only where there is a barrier-free plan incorporated into the project that meets the standards set out in regulations to be enacted within six months of this Act coming into effect. The standards must include barriers pertaining to all disabilities.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW,
DWCCN, Dube, CHS-OD, CHS-WR)

Amend as follows:

Capital funding for projects shall be made available only where there is a barrier-free plan incorporated into the project that meets consumer-designed standards.

(HAGI)

Section 9(2): Same, other projects

Delete the phrase “may include requirements to provide accessibility for persons with disabilities as part of the eligibility criteria.” Amend by requiring these projects meet barrier-free goals.

(MSS-OD)

Section 10(1): Ministry accessibility plans

Amend as follows:

Each ministry has the duty to ensure that the funding, services, programs, practices, and legislation and regulations it administers and its workplace are free of barriers through the development and implementation of barrier-free plans to identify, remove and prevent barriers within the time frame set within regulations to be enacted within six months of this legislation coming into effect.

The regulations shall be developed by the Directorate in consultation with persons with disabilities and others with appropriate expertise.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, HAGI, TBDIW, DWCCN, Dube, CHS-OD, CHS-WR)

Replace “accessibility plan” with “barrier-free plan” and add the following:
The plan shall contain specific actions and time limits for the identification, removal and prevention of barriers. Barriers must be removed within the time frame set in regulations developed by the Accessibility Directorate.

(SAODAC)

Establish deadlines for completion and implementation, and decide who will review the plans. The disability community should direct them.

(Shain)

The development of these plans is a good step in helping to identify barriers and action plans to address them. However, measures are not included to ensure that the plans will be implemented. Amendments should address enforcement and recourse issues.

(CNIB-CK, CNIB-OD, CNIB-TB)

Amend to require specific timelines for achieving these plans. The Ontario Human Rights Commission could be given the responsibility to review all plans in cases of non-compliance and then seek an order from the Ontario Human Rights Board of Inquiry to require compliance if necessary. Another approach could be the establishment of a separate enforcement agency to review plans in cases of non-compliance and enforce appropriate penalties if necessary.

(MSS-OD)

Add “in consultation” after “planning process”. Delete “consult.” Add with “the Accessibility Advisory Council of Ontario and persons with disabilities.”

(CPAO)

Section 10(2): Contents

Amend as follows:

The barrier-free plan that each ministry shall make and implement shall include the comprehensive identification, removal and prevention of barriers to persons with disabilities in the Acts and regulations administered by the ministry and in the ministry’s policies, programs, practices and services, as well as the ministry’s workplace. The plan shall contain specific action steps and time lines for the identification, removal and prevention of barriers consistent with the requirements set out in the regulations. Except where not practicable, the plan shall specify who is responsible within the ministry for taking actions set out in the plan.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW, DWCCN, Dube, CHS-OD, CHS-WR)

Amend as follows:

The barrier-free plan that each ministry shall make and implement shall include the comprehensive identification, removal and prevention of barriers to persons with disabilities in the Acts and regulations administered by that ministry and in the ministry’s policies, programs, practices, and services. In other words, this section should look at legislation through a “disability lens”.

In developing and implementing its plan, a ministry shall consult with the Barrier-Free Advisory Council, the Barrier-Free Directorate and persons with disabilities who may be affected by the plan.

(HAGI)

Section 10(3): Same

Amend as follows:

The barrier-free plan shall include,

- (a) same as in Bill;

- (b) whether the Ministry has met its obligations set out in the plan for that year and, if not, the particulars of its non-compliance and the reasons for this;
- (c) the measures in place to ensure that the ministry assesses its proposals for acts, regulations, policies, programs, practices and services to determine their impact on removing and preventing barriers against persons with disabilities, and the persons responsible for this activity;
- (d) a report on the Acts, regulations, policies, programs, practices and services reviewed during the year, the recommendations made to ensure that they are barrier-free, and whether the recommendations were adopted;
- (e) a list of the Acts, regulations, policies, programs, practices and services that the ministry will review in the coming year in order to identify barriers to persons with disabilities, and the persons responsible for this activity;
- (f) the specific measures that the ministry intends to take in the coming year to identify, remove and prevent barriers to persons with disabilities; and
- (g) same as (e) in Bill.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW, DWCCN, Dube, CHS-OD, CHS-WR)

Include proposed timelines for the removal and prevention of barriers within established financial practices.

(OMOD)

Section 10(4): Availability to the public

Amend to provide:

A ministry shall make its barrier-free plan available to the public in an accessible format within 10 days of the plan receiving the signatures of its minister and deputy minister.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW, DWCCN, Dube, CHS-OD, CHS-WR)

Require public reporting on the progress towards complying with the plan.
Establish a timeframe for removing the barriers the plan identifies.

(CMHA-OD, Riback)

Replace with:

A ministry shall make its annual barrier-free plan available to the public in an accessible format. Concerns about the plans shall be presented to the Accessibility Advisory Council. The Council shall address these concerns in a timely manner.

(SAODAC)

Section 10: Additions

In developing and implementing its barrier-free plan, a ministry shall consult with the Barrier-Free Council, the Disability Directorate, and with persons with disabilities who may be affected by the plan.

The Ontario Human Rights Commission shall review all plans where there has not been compliance. The Commission has all of its investigation powers available to it in addressing this responsibility, as provided under the *Human Rights Code* for the investigation of human rights complaints. It can seek an order from the Ontario Human Rights Board of Inquiry to require compliance with the plan, in accordance with the procedures for hearings provided in the *Human Rights Code*.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, SAODAC, Riback, TBDIW, DWCCN, Dube, CHS-OD, CHS-WR)

DUTIES OF MUNICIPALITIES

There are no provisions to require that publications be made available in alternate formats nor are there provisions that require that Internet sites be accessible. Both of these issues are important to the removal of barriers for persons with visual impairments and should be addressed in the legislation.

(CNIB - OD, CNIB-CK, CNIB-TB)

Section 11(1): Municipal accessibility plans

The development of these plans is a good step in helping to identify barriers and action plans to address them. However, measures are not included to ensure that the plans will be implemented. Amendments should address enforcement and recourse issues.

(CNIB-OD, CNIB-CK, CNIB-TB)

The plans will be useful tools in working towards barrier-free communities, but they should be based on and determined by local financial resources and needs.

(AMO)

Require municipal plans to have timelines and that they be implemented within those timelines. There should also be an effective enforcement mechanism similar to that recommended under s. 10(1).

(MSS-OD)

Establish deadlines for completion and implementation, and decide who will review the plans. The disability community should direct them.

(Shain)

Add “in consultation with the Accessibility Advisory Council of Ontario and persons with disabilities” at the end of this section.

(CPAO)

Amend to ensure that every municipality in Ontario is included in the Act. Municipalities of fewer than 10,000 people must either establish a barrier-free advisory committee or hold public consultations on plans and include persons with disabilities.

(AAC-CO)

Address the issue of municipalities with fewer than 10,000 people through a regional approach.

(OBIA-SD)

Amend as follows:

Each year, the council of every municipality shall prepare and implement a barrier-free plan.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, SAODAC, Riback, HAGI, TBDIW, DWCCN, Dube, CHS-OD, CHS-WR)

Amend further in a fashion that is fully consistent with the ODAC amendments proposed for s. 10. See the ODAC brief for elaboration.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW, DWCCN, Dube, CHS-OD, CHS-WR)

Amend further in a fashion that is fully consistent with the HAGI amendments proposed for s. 10(2).

(HAGI)

Section 11(2): Contents

Replace with:

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

(AAC-CO)

Section 11(3): Same

The plan should include proposed timelines for the removal and prevention of barriers within established financial practices.

(OMOD)

Section 11(4): Availability to the public

Replace with:

A municipality shall make its barrier-free plan available to the public in an accessible format. Concerns about the plan shall be presented to the Accessibility Advisory Council which shall address these concerns in a timely manner.

(SAODAC)

Require public reporting on progress towards complying with the plan. Establish a timeframe for removing the barriers the plan identifies.

(CMHA-OD, Riback)

Section 12(1): Accessibility advisory committees

Strengthen the committees so that they have teeth, are accountable to the disability community and cannot be ignored.

(Millward, MDAG, NEORAD, CHS-OD, CHS-WR)

The committees will be useful tools in working towards barrier-free communities, but they should be based on and determined by local financial resources and needs.

(AMO)

Facilitate the work of the committees with the development of training for appointees and councillors so that a level of consistency is maintained throughout the province.

(AAC-CO, Stark)

The role and authority of the committees must be defined.

(OBIA, OBIA-CK, OBIA-OC, OBIA-TB, OBIA-SD)

Create a link between these committees, the Accessibility Advisory Council and the Accessibility Directorate. Establish links between committees.

(AAC-CO)

Amend to require that committees be made up solely of persons with disabilities and that persons from all disability areas be considered for membership.

(LDAO)

A majority of committee members should be persons with disabilities.

(OMOD)

The proposed committees must ensure the adequate presentation of disability sectors and ensure adequate representation by persons with disabilities. Representatives must also have effective links to their local community. Their role needs to be integrated with other local advisory committees that have accessibility mandates.

(CNIB-OB, OPSEU)

Replace with:

Each year the council of every municipality shall establish or continue an accessibility advisory committee, consisting of a majority of persons with disabilities. The Accessibility Advisory Council will review drafts of the municipality's barrier-free plan, advise the local council about its implementation and monitor its effectiveness.

(SAODAC)

Amend as follows:

Each year, the council of every municipality of more than 10,000 people shall establish or continue a barrier-free advisory committee. A majority of persons appointed to this committee must be persons with a disability. The mandate of the council is to review drafts of the municipality's barrier-free plans, advise the council about their implementation, monitor the effectiveness of the plan, and to

advise the municipality on barriers facing persons with disabilities within the territory of the municipality and on means by which the municipal government might address these.

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

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, HAGI, TBDIW, DWCCN, Dube, CHS-OD, CHS-WR, OACL)

Creation of the committees is a good step in ensuring the input of persons with disabilities in the process. It is important that the individuals selected to serve represent various groups of or for disabled persons and that they consult with their respective sectors.

(CNIB-CK, CNIB-TB)

There was concern that the appointment process would not allow persons with disabilities sufficient time to submit their resumes.

(WECAN)

Section 12(2): Duty of council

Replace (a) with “that the council owns, purchases, constructs or leases” and (b) with “that the council currently occupies whether as owner or lessee.”

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, HAGI, TBDIW, DWCCN, Dube, CHS-OD, CHS-WR)

Replace (a) with “that the council owns, purchases, constructs or significantly renovates” and (b) with “that the council currently occupies.”

(SAODAC)

Amend to encourage councils to seek advice on any subject that would impact on persons with disabilities. Define the relationship between the committee, staff and council. Council should respond to a committee recommendation within 14 days and provide written reasons for its decision, if it declines in whole or in part.

(AAC-CO)

Require councils to seek advice from these committees on accessibility to buildings and programs associated with municipal services, including recreation facilities such as swimming pools, skating rinks and libraries.

(BMCC)

Section 12(3): Functions

Add the following:

The barrier-free advisory committee shall prepare annual reports to the municipal council recommending changes to the barrier-free plan, reporting on implementation and effectiveness of previous plans and making any other recommendations necessary to identify, remove and prevent barriers in the territory of the municipality.

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

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW, DWCCN, Dube, CHS-OD, CHS-WR)

Amend as follows:

The accessibility advisory committee shall prepare annual reports to the municipal council recommending changes to the barrier-free plan and reporting on the implementation and effectiveness of previous plans. Recommendations and reports from the committee and responses from the council shall be made public promptly.

The municipal council shall fulfill all reasonable requests for information by the committee within the committee's mandate.

Compensation, including reasonable expenses, shall be provided by the municipal council to the committee members.

(SAODAC)

The disability community must have meaningful input. Reports should be made public.

(OBIA, OBIA-CK, OBIA-OC, OBIA-TB, OBIA-SD)

It is an overly optimistic expectation that these committees will be in a position to direct, monitor, control or attain a barrier-free society. Putting the onus on the disability community itself to achieve change is an unfair burden and false expectation unless the committees are given greater and clearer authority.

(CTCAC, Riback)

Section 12(4): Public Consultation

Add this section to read as follows:

The committee shall engage in public consultation in the preparation of its reports and advice.

(CPAO)

Section 13: Municipal goods and services

Amend to parallel the ODAC proposals for s. 5 and state that the regulations developed under s. 5 shall apply to municipalities.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW, DWCCN, Dube, CHS-OD, CHS-WR)

Amend to parallel the proposals for s. 5.

(HAGI, SAODAC)

DUTIES OF OTHER ORGANIZATIONS, AGENCIES AND PERSONS

There are no provisions to require that publications be made available in accessible formats nor are there provisions that require that Internet sites be accessible. Both of these issues are important to the removal of barriers for persons with visual impairments and should be addressed in the legislation.

(CNIB-CK, CNIB-TB)

The accessibility plans of these organizations should be filed with the Accessibility Advisory Council and local municipal councils/school boards, if appropriate. They should include proposed timelines within established financial practices.

(OMOD)

Amend to require agencies to meet the same standards as other types of organizations.

(CMHA-OD, Riback)

Amend to require specific timelines for achieving these plans. The Ontario Human Rights Commission could be given the responsibility to review all plans in cases of non-compliance and then seek an order from the Ontario Human Rights Board of Inquiry to require compliance if necessary. Another approach could be the establishment of a separate enforcement agency to review plans in cases of non-compliance and enforce appropriate penalties if necessary.

(MSS-OD)

Section 14(1): Public transportation organizations

Amend to parallel the development, implementation and enforcement of Ontario government ministry barrier-free plans.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW, DWCCN, Dube, CHS-OD, CHS-WR)

Amend to read:

Each year, every public transportation organization shall prepare and implement a barrier-free plan. The provision regarding transit providers should be similarly amended to ensure it reflects community standards as established by local consumers and the Barrier-Free Advisory Council.

(HAGI)

The definition of “public transportation organization” is very broad and appears to catch the taxi industry. If this was the intent, it will put undue hardship on that industry.

(CTCAC, Riback)

Add “in consultation with the Accessibility Council of Ontario and persons with disabilities” after “plan.”

(CPAO)

Replace “accessibility plan” with “and implement a barrier-free plan.”

(SAODAC)

Section 14(2): Contents

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. A lack of transportation is a major barrier for persons with vision impairments who live in rural areas of the province.

(CNIB-OD)

Section 14(3): Same

There are no consequences if actions are not taken.

(Shain)

Section 14(4): Availability to the public

Replace “accessibility plan” with “barrier-free plan.” Add “in an accessible format. Concerns about the plan shall be presented to the Accessibility Advisory Council which shall address these concerns in a timely manner.”

(SAODAC)

Section 15(1): Scheduled organizations

Replace with:

Each year, every organization not otherwise covered by sections 10, 11, 14 or 16, shall prepare and implement a barrier-free plan based on the requirements for its class of organization as set out in the regulations.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW, DWCCN, Dube, CHS-OD, CHS-WR)

Amend to read:

Each year, every Scheduled organization shall prepare and implement a barrier-free plan.

(SAODAC)

Add “in consultation with the Accessibility Council of Ontario and persons with disabilities” after “plan.”

(CPAO)

Section 15(2): Contents

Amend to provide:

The barrier-free plan shall require the comprehensive identification, removal and prevention of barriers to persons with disabilities in the organization's by-laws, if any, and in its policies, programs, practices and services as well as its workplaces.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, HAGI, TBDIW, DWCCN, Dube, CHS-OD, CHS-WR)

Require school boards to create education accessibility advisory committees to assist in the development and implementation of plans. Committees should consist of a majority of persons with disabilities and/or parents of school aged children with disabilities.

(OMOD)

Section 15(3): Same

Amend to authorize municipal councils to pass by-laws prescribing standards for accessibility requirements for persons with disabilities for property and for prohibiting the occupancy or use of such property that does not conform with the standards that would provide a more appropriate or effective approach.

(CTCAC, Riback)

There are no consequences if actions are not taken.

(Shain)

Section 15(4): Availability to the Public

Apply the same amendment and rationale as found under s. 10(4), with the appropriate changes in wording.

(SAODAC)

Section 15: Additions

Amend to provide as follows:

The classes of organizations shall be set out in regulations passed no later than six months after this legislation comes into effect. The regulations setting out the requirements for each class of organization shall be passed no later than one year after this legislation comes into effect.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW, DWCCN, Dube, CHS-OD, CHS-WR)

Section 16(1): Agencies

Replace with “each year, every agency shall prepare and implement a barrier-free plan.”

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, HAGI, TBDIW, DWCCN, Dube, CHS-OD, CHS-WR, SAODAC)

Add “in consultation with the Accessibility Advisory Council of Ontario and persons with disabilities” after “policy.”

(CPAO)

Section 16(2): Contents

Amend to provide:

The barrier-free plan shall require the comprehensive identification, removal and prevention of barriers with respect to the provision of services and facilities, as well as with respect to the policies, programs and practices of the agency, and the agency’s workplace.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, HAGI, TBDIW, DWCCN, Dube, CHS-OD, CHS-WR)

Replace with:

The barrier-free plan shall require the comprehensive identification, removal and prevention of barriers with respect to the provisions of services to persons with disabilities in the policies, programs and practices of the agency.

(SAODAC)

GENERAL

Section 17(1): Joint accessibility plans

Make individual accessibility plans mandatory and meaningful for all eligible organizations.

(LDAO, LOTF)

Remove “Scheduled organization” and replace “accessibility plan” with “barrier-free plan.”

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW, DWCCN, Dube, CHS-OD, CHS-WR)

Section 17(2): No individual plans

Remove “Scheduled organization” and replace “accessibility plan” with “barrier-free plan.”

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW, DWCCN, Dube, CHS-OD, CHS-WR)

Section 17: Addition

Where one or more ministry, municipality, public transportation organization or organization prepares a joint barrier-free plan, each entity is required to comply with the obligations under this Act and the plan as if they had individual plans.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, HAGI, TBDIW, DWCCN, Dube, CHS-OD, CHS-WR)

Section 18(1): Guidelines for accessibility plans and policies

Amend as follows:

The Lieutenant Governor in Council shall specify by regulation the requirements for the preparation and content of barrier-free plans under this Act. The regulation may set out different requirements for classes of ministries, municipalities, organizations or agencies.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW, DWCCN, Dube, CHS-OD, CHS-WR)

Ensure that the guidelines are comprehensive and address all identifiable barriers, including attitudinal barriers, as part of the process of identification, removal and prevention.

(CMHA-OD, Riback)

The Bill should contain consistent mandatory guidelines for enhancing the accessibility provided to persons with disabilities. Hold all participating organizations accountable for the contents of their accessibility plans as well as for compliance with the legislation as a whole and with the directions set out in their individual plans.

(LOTF)

Set out mandatory components for the accessibility plans, including an approval and evaluation process that involves persons with disabilities and their organizations. Compliance with approved plans must be mandatory, with logical consequences for non-compliance.

(LDAO)

Section 18(2): Exemptions

Amend as follows:

When an organization or agency cannot comply with the regulation because of undue hardship within the meaning of the *Human Rights Code*, it may apply to the minister for an exemption from the regulation. The exemption cannot exceed a period of one year. The minister shall give reasons for granting an exemption, which he or she shall make public. Any person affected by the exemption may refer the grant of the exemption to the Ontario Human Rights Commission. The Commission may investigate the circumstances of the exemption. If, in its opinion, the exemption was unwarranted, it may apply to the Ontario Human Rights Board of Inquiry for a hearing to determine whether the exemption should be modified or rescinded.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, HAGI, TBDIW, DWCCN, Dube, CHS-OD, CHS-WR, OACL)

While 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. Consequently, the legislation should be amended to include strict parameters regarding the rationale, process and timeframes for the granting of exemptions.

(CNIB-OD, CNIB-CK, OPSEU)

Create a system for granting exemptions based upon clear criteria applied as part of a public process, similar to hearings held by the Ontario Municipal Board to deal with zoning applications.

(CMHA-OD, Riback)

There should be no possibility of permanent exemption from the requirements of the Act.

(ACE)

Remove.

(SAODAC)

Section 19(1): Accessibility Advisory Council of Ontario

Replace with “the Minister shall establish the Barrier-Free Council of Ontario comprised of 12 members, a quorum of which shall be seven.” Consult the ODAC brief for further amendments.

(ODAC, CNIB-OB, DAP, Warren, Macgregor, WAC, Riback, TBDIW, DWCCN, Dube, CHS-OD, CHS-WR, OACL)

The Barrier-Free Council should be established within six months of the enactment of the Bill.

(NFB, CCB-OD)

Specify the size of the Council. It must be large enough to represent all major forms of disability, perhaps 15 to 24 persons.

(MSS-OC)

A watchdog agency made up of persons with disabilities should monitor the implementation of the Bill.

(WECAN)

Section 19(2): Members

The Council must be representative of major consumer and disability advocacy groups in Ontario.

(ODAC-WE, WAC)

Creation of the Council is a good step in ensuring the input of persons with disabilities in the process. It is important that the individuals selected to serve represent various groups of or for disabled persons and that they consult with their respective sectors.

(CNIB-CK, CNIB-OD, CNIB-TB)

Establish an open appointment process to give all people with a disability an opportunity to participate.

(CMHA-OD, Riback)

If the Council is to be credible, at least half of its members must be appointed by the community, including the disability community. This representation would also include individuals with an intellectual disability.

(TACL)

Add as follows:

Council members must represent a broad range of disabilities and electoral districts throughout the province. Those members with disabilities must be chosen through recommendations brought forward by all members of the Legislature.

(SAODAC)

Include the following:

(2)(b) Any person/s who is directly or indirectly an employee of the Government of Ontario (as defined in amended s. 8), or an organization/s or person/s directly associated with said organization that receives direct sustaining grants/subsidies/contracts are ineligible for formal membership on the Council (the Trillium Foundation would be an exception). 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.

(NFB, CCB-OD)

Section 19(3): Remuneration and Expenses

Delete “may” and replace with “shall.”

(NFB, CCB-OD)

Section 19(4): Duties

The Council must be given the authority and mandate to:

- 1) determine benchmarks and provincial standards for barrier-free communities;
- 2) advise the provincial government and all ministries on disability issues and the development of regulations;
- 3) educate the general public and the government;
- 4) monitor the implementation of guidelines and plans for the removal and prevention of barriers; and
- 5) advocate for a barrier-free Ontario.

(ODAC-WE, WAC)

The Council must have a mandate which not only includes advising the Minister but also encompasses

- 1) promoting the development and creation of opportunities for greater independence for individuals with disabilities;
- 2) reviewing policies and program issues on disabilities in government and the community;
- 3) identifying and addressing major issues related to disability in areas such as health, education, and physical and attitudinal barriers;

- 4) responding to emerging issues such as lack of housing and employment opportunities;
- 5) providing advice or comment on specific matters affecting all persons with disabilities; and
- 6) providing representation to external committees, government or non-governmental, on disability issues.

(TACL)

The Council is authorized to undertake the following activities:

- 1) consultations with persons with disabilities and others, including those with relevant expertise, on the implementation of the Act;
- 2) make recommendations to the Minister or the Ontario Human Rights Commission that, where there are problems in the implementation of the Act or its regulations, standards or guidelines made pursuant to it, steps to enforce the legislation be taken, and request a report on the actions taken;
- 3) undertake research about the barriers facing persons with disabilities in Ontario and research on strategies used in Ontario and elsewhere to address them;
- 4) provide programs of public information related to the Act; and
- 5) make recommendations concerning the development or enactment of new standards or regulations to improve the effectiveness of the Act.

In order to ensure an inclusive Council, the Minister must ensure that:

- 1) there is representation from the fullest possible range of disabilities and regions. Attention should also be paid to gender, ethnic and First Nations representation; and
- 2) there is a public nomination process whereby any individual may apply or be nominated to become a member of the Council. The names of nominees should be made public to afford an opportunity for public input, including input from persons with disabilities.

(HAGI)

Establish a clear mandate for the Council that allows it to initiate activities, research and public consultation. The legislation in Alberta and Nova Scotia, which are setting up similar bodies, provides some useful examples.

(CMHA-OD, Riback)

It is an overly optimistic expectation that the Council will be in a position to direct, monitor, control or attain a barrier-free society. Putting the onus on the disability community itself to achieve change is an unfair burden and false expectation unless the Council is given greater and clearer authority.

(CTCAC, Riback)

Strengthen the Council so that it has teeth, is accountable to the disability community and cannot be ignored.

(CHS-OD, CHS-WR, Millward, MDAG, NEORAD)

The role of the Council needs to be clarified in terms of its scope, mandate and authority.

(CNIB-CK, CNIB-OD, CNIB-TB)

Delete the phrase “At the discretion of the Minister.”

(OMOD)

Replace (d) with “reports prepared in the past by other provincial disability advisory groups.”

(SAODAC)

Re-number (e) as (f) and create a new (e) that requires that the Council advise the Minister on all proposed regulations prior to presentation to the Lieutenant Governor in Council and advise on all matters relating to the enforcement of compliance or exemptions granted under the regulations.

(OMOD)

Add after (e):

(f) the Council shall give the Minister an annual report on the implementation and effectiveness of the Government’s current barrier-free design guidelines.

(CPAO)

Section 19(5): Reports

The Council should be adequately resourced to monitor stages of implementation in communities across Ontario with full authority to issue a public annual report in alternate formats on the progress of barrier removal and prevention.

(ODAC-WE, WAC)

Require the Council to report publicly through the Legislature to ensure public accountability and to avoid possible politicization if its existence depends on the support of a minister.

(CMHA-OD, Riback)

Table the annual report in the Legislature.

(OMOD)

Amend to require the Council to have an annual general meeting (AGM) attended by a delegation from the municipal committees. The agenda shall include the tabling of annual reports from the Council and the committees. Training and networking would also be included. The AGM would report to the Minister.

(AAC-CO)

Section 19(6): Public Consultation

Add “the Council shall engage in public consultation in the preparation of its reports and advice to the Government.”

(CPAO)

Section 20(1): Accessibility Directorate of Ontario

Replace with “the Minister shall establish and maintain the Barrier-Free Directorate of Ontario. The employees who are considered necessary shall be appointed under the *Public Service Act* to form this directorate.” Consult the ODAC brief for further amendments.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW, DWCCN, Dube, CHS-OD, CHS-WR)

Add that “where qualifications are equal, preference will be given to persons with a disability.”

(SAODAC)

The Barrier-Free Directorate should be established within six months of the Bill’s enactment.

(NFB, CCB-OD)

Establish a link between the municipal advisory committees and the Directorate which should be the primary contact and facilitator for the resolution of problems that require cross-ministerial involvement.

(AAC-CO)

Section 20(2): Duties

Specify a role for the Directorate, in consultation with the Accessibility Advisory Council, in holding the Government accountable for the implementation of the *Ontarians with Disabilities Act*.

(BMCC)

Require the Directorate to prepare public reports on its activities relating to the development and implementation of standards, guidelines and regulations.

(CMHA-OD, Riback)

A strong and committed Directorate can develop progressive policies and guidelines. It will need to find credible staff and write reports that articulate the meaning of accessibility.

(Shannon)

Add as follows:

The mandate of the Directorate is the removal of barriers and the assurance that people with disabilities are able to participate fully in all aspects of life by:

- 1) improving the public's understanding and knowledge of disability issues;
- 2) providing expert counsel and consultation to government ministries in the development of integrated, co-ordinated public policies, programs and services for persons with disabilities and their families/support structures;
- 3) working with government ministries and offices and the disability community to provide expertise, and identify and resolve issues of concern;
- 4) acting as a vehicle for collaboration and partnership with the disability community; and
- 5) providing leadership, co-ordination, research, policy development, education, communication and consultation.

(HAGI)

Section 21: Review of Act

Review the Act and related regulations every five years.

(CTCAC, Riback)

Amend as follows:

The Executive Council shall undertake a public review of this legislation after three years to determine the following:

- (a) whether it is successful in achieving a barrier-free society;
- (b) whether changes are necessary to improve the effectiveness of the legislation; and
- (c) whether persons with disabilities are able to participate fully and effectively in the implementation of the legislation.

The Government of Ontario shall consult with persons with disabilities and other interested stakeholders on the matters referred to in subsection (1) as part of the review provided for in that provision, and shall report to the public on the results of any review conducted.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, HAGI, TBDIW, DWCCN, Dube, CHS-OD, CHS-WR)

The review should be undertaken three years after this section comes into force.

(CPAO)

In the early years of the legislation, a review should be undertaken within two to three years.

(Bagga)

Section 22: Regulations

Acknowledge the importance of local flexibility and autonomy in developing regulations.

(AMO)

Add timelines for the enactment of regulations.

(MSS-OD)

Require that regulations be made setting out the time frames in which the plans must be completed. Also require that regulations be made establishing a comprehensive schedule of classes of organizations so that the entire private and

broader public sector must comply with the legislation. The regulations may set out time frames within which the organizations must come into compliance, taking into account relevant factors.

Require that there be a period for public comment and notice during the regulation-making process. This will ensure that all stakeholders have an opportunity to fully participate.

(CMHA-OD, Riback)

There is no requirement to make regulations for the removal of barriers or to set time limits.

(DPCR, Leclair)

Regulations, standards and guidelines should be established no later than 18 months after the Bill's enactment.

(NFB, CCB-OD)

Any regulations should be open for public consultation and/or be discussed with and approved by the Accessibility Advisory Committee before implementation.

(LDAO, LOTF)

Establish a truly effective consultative and inclusive process for regulation-making and setting standards which ensure the disability community a voice.

(MDAG, CHS-OD, CHS-WR)

Draft regulations should be subject to public consultation.

(MSS-OC)

Standards of design and related requirements to prevent barriers must be incorporated into regulations to be passed in consultation with persons with disabilities and others. Reasonable time limits must be set in the Act as to when these regulations must become effective.

(ACE)

In order to ensure the full participation of persons with disabilities in the development of regulations, any regulations to be created under this legislation must be published in draft form no less than 90 days prior to the date they are to be enacted. There must be an opportunity for public input and comment, in writing or in the form of public forums or hearings before the regulation is enacted. Where the Barrier-Free Council requests in writing that public hearings or forums be held by the minister or the directorate with respect to a proposed regulation, such hearings or forums shall be held within 45 days of the written

request. Following the comment period there must be a public report produced by the Government of Ontario summarizing the comments, and providing the Government's reasons for accepting or rejecting proposed changes. In addition, the Barrier-Free Council may consult with the public on the proposed regulations, and provide its recommendations to the minister arising therefrom.

(ODAC, CNIB-OB, DAP, Millward, Theberge, Warren, MacGregor, WAC, Riback, TBDIW, Dube, DWCCN, CHS-OD, CHS-WR)

Add the following:

No regulation may be adopted which has the effect of creating a barrier to persons with disabilities, preventing or delaying the identification and removal of a barrier in any sector or which conflicts with the purpose of the legislation.

Require Cabinet to make regulations within three months of the Act coming into force, designating which minister or ministers and which ministries will be responsible for fulfilling duties which the Act otherwise assigns to the Government of Ontario.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, NFB, Riback, TBDIW, Dube, DWCCN, CHS-OD, CHS-WR)

Regulations relevant to the creation of local committees should be required within eight months of proclamation. The committees should be functional within 12 months. Regulations for the guidelines should be in place within 12 months and all regulations must be in place within 24 months.

(OMOD)

Regulations should include a number of practical suggestions found in the CHS-OD brief. These include ensuring prompt availability of qualified sign language interpreters and captioners for deaf, deafened and hard of hearing persons.

(CHS-OD, CHS-WR, Cochrane, CHS-TB)

Section 22(1)(a)

Remove "or is not to come."

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW, Dube, DWCCN, CHS-OD, CHS-WR)

Section 22(1)(b)

Delete. There is no longer a category of "Scheduled organizations."

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW, Dube, DWCCN, CHS-OD, CHS-WR)

Section 22(1)(e)

Remove the provision for making regulations defining “significant renovation.”

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW, Dube,
DWCCN, CHS-OD, CHS-WR)

Section 22(1)(f)

Replace with “governing the preparation and contents of barrier-free plans or policies under this Act including the mechanisms for ensuring compliance where this obligation is not met.”

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW, Dube,
DWCCN, CHS-OD, CHS-WR)

Section 22(1)(h)

Amend as follows:

Regulations must be enacted within six months after this legislation takes effect specifying a time period within which the Government of Ontario or any ministry, municipality, organization specified by regulation made under clause (g), public transportation organization, agency or other organization or person or class of organizations is required to comply with an obligation described in this Act if this Act does not specify or otherwise provide a time period for that purpose.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW, Dube,
DWCCN, CHS-OD, CHS-WR)

Section 22(1)(i)

Amend as follows:

Upon approval of the Minister after consultation with the Barrier-Free Council and providing written reasons, exempting a person, a ministry, a municipality, an organization specified by a regulation made under clause (g), a public transportation organization, an agency, any other organization, a building, structure or premises or a class of any of them from the application of a specified provision of this Act or the regulations, such exemption to only last for a maximum of one year (subject to a further application), and only to be granted on a showing that compliance is not reasonably possible.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW, Dube,
DWCCN, CHS-OD, CHS-WR)

Remove.

(SAODAC)

Section 22(1)(j)

Add “including the creation of mechanisms for enforcing the obligations under this legislation, and remedies for non-compliance.”

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW, Dube,
DWCCN, CHS-OD, CHS-WR)

COMPLEMENTARY AMENDMENTS

The province needs to involve municipalities in discussions on proposed changes to their powers.

(AMO)

Section 23: *Election Act*

Expand to:

- (a) require that no polling station shall be located in a location which is inaccessible, absent a showing that it was impossible to locate a polling station within five miles;
- (b) require that ballots be adapted to enable voters with disabilities wherever possible to mark the ballots themselves in private; and
- (c) require the provision of American Sign Language interpretation or other like accommodation where needed for voters who are deaf, deafened or hard of hearing, to enable them to participate fully in the voting process.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW, Dube,
DWCCN, CHS-OD, CHS-WR)

Rather than preparing a report three months after polling day, ensure that accessibility needs are met prior to polling day.

(Bagga)

Section 25: *Highway Traffic Act*

Put more of a focus on the issuance of disabled parking permits.

(AMO, Black)

Incorporate directives to the Ministry of Transportation to review current eligibility criteria for disabled person parking permits, establish a verification process on all disabled parking permit applications, recertify a permit holder's disability each renewal period, and redesign the permit so that it cannot be easily reproduced.

(CTCAC, Riback)

Disabled parking needs to be viewed as a barrier-free access issue as opposed to a vehicle warehousing issue.

(TPS)

Section 27: *Legislative Assembly Act*

Direct the Speaker to ensure that the Legislative Chamber is fully accessible to persons with mobility and sensory disabilities within 36 months of the Act's proclamation.

(OMOD)

Section 28: *Municipal Act*

The Bill now extends municipal licensing authority to impose conditions requiring a licensed business to be physically accessible. Amend to include a requirement of the business to become barrier-free, and not merely to address physical barriers.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW, Dube, DWCCN, CHS-OD, CHS-WR)

The amendment under s. 28(1) needs clarification since it would permit municipalities to make it a condition of any business license that the premises or a part of the premises be made accessible. This would put an undue hardship on the licensee who may be renting a property when the responsibility for accessibility should be placed on the owner of the building. Secondly, not all businesses in Toronto are licensed nor do they require licensing. Therefore, the Bill does not address accessibility issues in many businesses and discriminates against those businesses that are licensed.

(CTCAC, Riback)

Under s. 28(1), replace "or a part of the premises to be accessible" with "barrier-free."

(SAODAC)

Section 29: *Municipal Elections Act*

Expand to:

- (a) require that no polling station shall be located in a location which is inaccessible, absent a showing that it was impossible to locate a polling station within five miles;
- (b) require that ballots be adapted to enable voters with disabilities wherever possible to mark the ballots themselves in private; and
- (c) require the government holding the election to provide American Sign Language interpretation or other like accommodation where needed for voters who are deaf, deafened or hard of hearing, to enable them to participate fully in the voting process.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW, Dube, DWCCN, CHS-OD, CHS-WR)

Given that during the last municipal elections 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 require that ballots be accessible and understandable for persons with disabilities.

(CNIB-CK, CNIB-OD, CNIB-TB)

GENERAL RECOMMENDATIONS

Amend to provide explicitly that the Bill:

- (a) binds the Crown in Rights of Ontario; and
- (b) supersedes any legislation, regulations, bylaws or policies which provide lesser protection for persons with disabilities.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW, Dube, DWCCN, CHS-OD, CHS-WR)

Enforce the Bill to comply with the equality decisions of the Supreme Court of Canada, i.e. the Eldridge, Meiorin and Grismer decisions.

(CHS-OD, CHS-WR)

Support for Bill

The legislation will carry the province forward.

(CTB)

Opposition to Bill

Scrap the Bill. It is better not to have an *Ontarians with Disabilities Act* than this mangled and gutted bill.

(Germain)

Accommodating Different Disabilities

The blind, visually-impaired and deaf-blind persons have different as well as shared needs. A range of solutions need to be developed and implemented to accommodate these needs.

(CNIB-OB)

Bill 125 serves only a segment of the disabled community. It must include all disabilities and all types of barriers that the disabled face.

(Dimitrie, Warren)Barrier-Free Communities

Creating a barrier-free community requires the integration of land use planning approaches within an overall strategy, one that is committed to improving the quality of life for all residents.

(CNIB-OB)

All buildings, regardless of size, should be made accessible. The Act should enable the disabled to live in their own homes.

(Hurlbert)

Barriers to Employment

In the absence of employment equity legislation, efforts must be made to address barriers to obtaining and maintaining employment in the disabled population as well as those who are marginalized within that population (e.g. sexual minorities). These efforts must be applied to the public and private sectors.

(CLGRO)

Children with Disabilities

Ensure that the needs of children with disabilities will not be overshadowed by the increasing needs of adults with disabilities, especially in the areas of education, community activities and transportation.

(ESS)

Compliance and Enforcement

Establish effective methods of compliance and enforcement.

(TACL, MDAG, Bremner, DWCCN, Mantis, CHS-OD, CHS-WR, CTCAC, Black, NEORAD, CHS-SO, PUSH-NW)

Specify offences and provide remedial mechanisms to those who wish to challenge violations of the Act.

(ACE)

Establish strict enforcement procedures re barrier removal and penalties for non-compliance.

(Shain, Millward, WECAN, OPSEU, CHS-TB)

An essential element is an easy, inexpensive and timely method of complaint and enforcement.

(CHS-SO)

A shortcoming of the Bill is the lack of remedies, both individual and systemic. Another is the lack of accessibility plan achievement targets and consequences for non-achievement.

(CAMH)

To be effective, the Bill needs specific and mandatory requirements for removing barriers in employment, transportation, accessible housing, accessibility to private as well as public buildings, and access to systems of communication. It does not allow for real enforcement of barrier removal and prevention requirements. While the development of standards, guidelines and protocols is mentioned, the Bill does not define them or say whether they are mandatory.

(DPCR)

Introduce mandatory incentives and penalties for non-compliance.

(LOTF, DWCCN)

Include proactive measures with enforceable standards and timelines.

(CAW)

Establish a mechanism for enforcement. This may differ for each of the sectors required to create and implement a plan.

(CMHA-OD, Riback)

There should be a strong infrastructure established to ensure compliance with the legislation, as well as clear sanctions for those who do not comply. There should also be an efficient and effective process in place to allow complaints about non-compliance issues. Avoid the backlog currently experienced by those going through the Human Rights Commission.

(SDC)

The Bill does not contain an alternative dispute resolution or mediation mechanism. Under the *Americans with Disabilities Act*, complaints are usually resolved through mediation. Such a service should be included in an amendment or the regulations.

(Shannon)

Include an effective enforcement mechanism.

(OBIA, OBIA-CK, OBIA-OC, WAD, OBIA-SD, Mantis, OPSEU, OBIA-TB, TBDIW)

Specific implementation timelines and compliance requirements are needed. Standards are required, not just guidelines.

(CNIB-OB, Brady, Warren)

The Bill must include better enforcement measures to protect mentally ill persons from hate speech and hate literature.

(Dimitrie)

Human Rights Commission

Include the following:

The Ontario Human Rights Commission and the Ontario Human Rights Board of Inquiry have jurisdiction with respect to compliance with and enforcement under this legislation, and have with all necessary modifications all the authority and jurisdiction as is provided to them under the *Human Rights Code*. The Minister of Finance shall within three months of the enactment of this bill place before the Legislature a proposal for providing additional funding to the Commission and the Board to address these new responsibilities.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW, Dube, DWCCN, CHS-OD, CHS-WR)

Strengthening the Human Rights Commission would be a positive step for people with disabilities. Provisions under the *Human Rights Code* related to accommodation in the workplace, if vigorously enforced, could become an important step to actually moving barriers.

(Mantis)

There are no provisions for dealing with systemic issues. The Human Rights Commission does not deal with them either. If the Commission did, people would not have to file individual complaints.

(DWCCN)

Consultation

Ensure the establishment of a strong mechanism for on-going community consultation.

(DPCR, Bremner)

Establish a clear criteria for consultation with persons with disabilities and others prior to developing and implementing the guidelines.

(CMHA-OD, Riback)

Convene an assembly of persons with disabilities from across the province before third reading of the Bill.

(CCB-OD)

If the Government is sincere in wanting to achieve the stated purpose of Bill 125, it must take the time to review and include the recommendations presented during these consultations.

(PUSH-NW)

Compile the information gathered during the hearings and return for further consultation.

(Seed)

Ensure unions and their members with disabilities are central to the consultation and implementation process.

(CAW)

Take the time and energy to consult all constituents in a qualitative and quantitative manner.

(DWCCN)

Coverage

The legislation should apply to all sectors.

(CNIB-OB, Stark, Millward, Leclair, DPCR, Bagga, CHS-SO, ACE, Bremner, DWCCN, CAW, OPSEU, MDAG, CHS-SO)

Amend to require barrier removal and prevention in the private and voluntary sectors.

(CTCAC, Riback)

The amendments made under the *Municipal Act* should apply to corporations. Following the creation of the Government's barrier-free design guidelines, private businesses, industries and non-profit organizations should adhere to the same guidelines as the Government and municipalities in the purchase, leasing, construction or renovation of buildings.

(SAODAC)

Ensure that the Bill extends requirements for barrier removal and prevention to the Ontario Public Service, municipalities, the broader public sector, the private sector, and to the legislative and constituency offices of MPPs.

(CHS-OD, CHS-WR)

Ensure all public sector and broader public sector agencies and organizations are covered. This includes the education and the accommodation of students with disabilities to ensure they receive an equitable education.

(SDC, PUSH-NW)

The economic advantages in mandating the private sector to avoid and eliminate barriers are so compelling that it is difficult to understand its exclusion from the Bill.

(MSS-OC, Brady, SDC, Dube, PUSH-NW)

The Bill exempts private companies. In this era of downloading public services to private companies, the Bill will have an impact on fewer and fewer of the services persons with disabilities rely on to live.

(Shain)

Meeting the objective of barrier-free communities requires greater involvement from the private sector.

(AMO, CAMH)

The Bill must be amended in such a way that, in the long run, most private businesses will be accessible and that any costs they incur would be considered part of the cost of doing business.

(Warren)

Include the private sector as well as the public. It is unlikely that ‘encouraging’ the private sector will be enough to ensure that barriers are eliminated or prevented.

(TACL)

Omission of the private sector is not only discriminatory but is costing the province of Ontario money. The government is urged to begin phasing in requirements for that sector as quickly as possible.

(MSS-OD)

While it is the government’s intent to make the Bill applicable to all sectors over time, this is not clear in the proposed legislation. Strengthen the Bill by specifying timeframes for the inclusion of various sectors.

(CNIB-CK, CNIB-OD, CNIB-TB)

Direct the Accessibility Advisory Council to recommend guidelines for private sector participation by area. Include timelines with the intent of having some areas start within 36 months.

(OMOD)

Encouraging Private Sector Participation

Support is given to the provisions contained in the Bill as they relate to the private sector.

(GTHA)

The community transportation industry is looking forward to moving toward full access for persons with disabilities.

(OCTA)

Given that the 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 which 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.

(TT, Proulx)

The government must develop guidelines and accompanying timetables, and offer incentives for the removal and prevention of barriers in the private sector.

(ODAC-WE, WAC)

The government may wish to consider offering time-limited incentive programs in the form of tax incentives or substitutes to encourage property managers and business owners to make their facilities accessible.

(SDC, NEORAD)

Funding

In order to achieve a barrier-free community, we need to ensure that adequate funding is available to support children, youth and adults in reaching their potential. This means funding is required not only for physical modifications to buildings and facilities, etc., but also to ensure adequate programs and services are available across the community, to meet the changing needs of people with disabilities.

(CNIB-OB, Bremner)

There is a need for dedicated, stable and predictable funding from the province or a new source of revenue for municipal governments.

(AMO, PUSH-NW)

Ensure adequate funding to organizations named within the Act to implement their plans for the removal and prevention of barriers.

(ODAC-WE, WAC)

Without some funding commitment to transfer agencies, the legislation will only contribute to further cuts in services.

(OMOD)

Guidelines for the plans should state that their development must not be paid for from funds that have been allocated for disability services or accommodations.

(LOTF, LDAO)

Give consideration to the funding required to retrofit schools as an outcome of this Bill.

(ESS)

Provide funding to those municipalities with fewer than 10,000 people that choose to have an accessibility advisory committee.

(WAC)

Language of Bill

Ensure that the language in Bill 125 indicates a clear intent to effect change. It should be strong and definitive rather than diluted.

(TACL)

Length of Legislative Debate and Public Hearings

One day of legislative debate to propose amendments to this bill will only dilute an already toothless piece of legislation. The development of solid amendments takes time and cannot be resolved before the Christmas break.

(DPCR)

Take the time to do it right.

(Proulx)

The fact that these hearings are being fast-tracked denies the disabled community the opportunity to carefully assess the Bill's merits and implications.

(NFB)

Allow every disabled person who would like to digest this document the time to understand it and respond at the level at which they are capable.

(Leclair)

Extend the hearings into the new year to allow for proper information exchange, consultation and consideration of amendments.

(CAMH)

Northern Issues

The pressing issues to ensure Northern Ontario becomes barrier-free are the lack of ASL and LSQ interpreters, the lack of choice in services and the lack of accessible transportation, especially in rural areas.

(SDC, CHS-SO)

Organizations/Facilities Serving Persons with Disabilities

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.

Health care and social service organizations serving persons with disabilities or chronic illnesses must:

- (a) ensure that their facilities are barrier-free and
- (b) train their staff to expect clients/patients who are lesbian, gay, bisexual, transsexual or transgendered and acknowledge that their clients/patients may have sexual/loving same-sex relationships.

They must conduct research on:

- (a) the degree of hostility, discomfort or receptiveness of those providing services to lesbian, gay, bisexual, transsexual or transgendered people with disabilities or chronic illnesses and
- (b) 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.

(CLGRO)

Prevention of New Barriers

A fundamental objective of the Bill has been to ensure that no new barriers are created. Provisions need to be strengthened so that this objective may be upheld. These should include new capital projects, leases, the purchase of goods and services, and exemptions to be granted only when undue hardship can be demonstrated.

(CNIB-OD, CNIB-CK, ACE, CNIB-TB)

Strengthen provisions seeking to prevent new barriers from being created with taxpayers' money.

(CHS-OD, CHS-WR)

Public Awareness and Education

Make provisions for the allocation of resources to raise public awareness and education of the issues faced by those with disabilities to foster greater understanding and influence attitudes.

(OBIA, OBIA-CK, OBIA-OC, OBIA-SD, OBIA-TB)

Education should be a required component of all barrier identification, removal and prevention plans. Work with the private sector and the broader public sector to ensure that there are resources available for a sustained, intensive public education campaign. Work with those same sectors to ensure that technical education resources are available to all organizations and government required to comply with the legislation.

(CMHA-OD, Riback)

Educate the public through a variety of advertising mechanisms to change the mythical culture about disabled Ontarians.

(TBDIW)

It will be imperative that an effective education component is added to ensure that the public is aware of the issues facing people with disabilities and the importance of making Ontario barrier-free. It could be integrated within the public education system. Information brochures should be available for restaurant and retail business owners to educate them about barrier-free access.

(SDC)

Given that the Bill will impact on all provincial government ministries, it is imperative that cultural sensitivity training inclusive of sexual minority issues be undertaken. Publicly-funded producers of sex and sexuality-training materials for people with disabilities must include information for/about transsexual and transgendered people, and people of all sexual orientations.

(CLGRO)

Specify a process for eliminating attitudinal and other non-physical barriers.

(LOTF)

Review Process

Require a public process for reviewing and reporting on legislation, regulations, policies, and by-laws. Set a time frame for the review. Require annual reports on the steps taken to remove those barriers that were identified in the review.

(CMHA-OD)

Role of the Federal Government

The province is urged to demand a consultation with the federal government to begin work on the creation of a federal “Canadians with Disabilities Act.”

(ODAC-WE, WAC)

Services for those with Psychiatric Disabilities

Require the standards to include all types of barriers, including barriers that may affect persons with a psychiatric disability. These barriers may include not having the ability to adjust lighting or to create a quiet work environment for someone who is easily distracted.

(CMHA-OD)

Ensure the right of every mentally ill person to the services of a psychiatrist on a timely, regular basis.

(Dimitrie)

Timelines

Set clear limits on the development and implementation of plans to remove and prevent barriers in regulations.

(ODAC-WE, WAC)

Amend to provide that notwithstanding anything else in the Act or regulations,

- (a) the Government of Ontario shall become barrier-free within five years of this Act coming into force; and
- (b) the Ontario Legislature shall become barrier-free within five years of this Act coming into force.

(ODAC, CNIB-OB, DAP, Warren, MacGregor, WAC, Riback, TBDIW, DWCCN, Dube, CHS-OD, CHS-WR)

Eliminate existing barriers in stages over a five year period. Barriers identified in subsequent annual reviews should be eliminated within five years of identification.

(MSS-OC)

Require that barriers be identified, removed and prevented within specific timeframes fixed in the Bill.

(Millward, Leclair, MDAG, CHS-OD, CHS-WR)

Prescribe explicit timelines for the removal of specific barriers.

(OBIA, OBIA-CK, OBIA-OC, OBIA-SD, OBIA-TB)

Include specific deadlines for identifying, removing and preventing barriers.

(TACL, Bremner, OPSEU, PUSH-NW)

Set a specific time frame for creating the guidelines through regulation.

(CMHA-OD)

Without timelines, “other organizations” will not know when they have to make their buildings accessible. Time is needed to raise funds as well.

(NLC-SB)

Workplace Accommodation

Include the right to workplace accommodations in the *Employment Standards Act*.

(Dimitrie)

WITNESSES AND WRITTEN SUBMISSIONS

Abbreviation	Organization/Individual	Date of Appearance
AAC-CO	Accessibility Advisory Committee, City of Ottawa	November 30, 2001
ACE	Advocacy Centre for the Elderly	December 5, 2001
AMO	Association of Municipalities of Ontario	December 5, 2001
Bagga	Suranda Bagga	December 3, 2001
Black	Earl Black	December 7, 2001
BMCC	Bloorview MacMillan Children's Centre	December 5, 2001
Brady	Michael Brady	November 30, 2001
Bremner	Kathryn Bremner	December 5, 2001
CAMH	Centre for Addiction and Mental Health	December 7, 2001
CAW	Canadian Auto Workers	December 5, 2001
CCB-OD	Canadian Council for the Blind, Ontario Division	December 5, 2001
CHS-OD	Canadian Hearing Society, Ontario Division	December 4, 2001
CHS-SO	Canadian Hearing Society, Sudbury Office	December 7, 2001
CHS-TBR	Canadian Hearing Society, Thunder Bay Region	December 6, 2001
CHS-WR	Canadian Hearing Society, Windsor Region	December 3, 2001
CKLMAC	City of Kawartha Lakes Municipal Advisory Committee for Disabled Persons	Written submission
CLGRO	Coalition for Lesbian and Gay Rights in Ontario	December 4, 2001
CMHA-OD	Canadian Mental Health Association, Ontario Division	December 4, 2001
CNIB-EK	Canadian National Institute for the Blind, Essex-Kent Branch	December 3, 2001
CNIB-OB	Canadian National Institute for the Blind, Ottawa Branch	November 30, 2001
CNIB-OD	Canadian National Institute for the Blind, Ontario Division	December 4, 2001
CNIB-TB	Canadian National Institute for the Blind, Thunder Bay Branch	December 6, 2001
COC	City of Ottawa Council	November 30, 2001
Cochrane	Michael Cochrane	December 5, 2001
Corbelli	John C. Corbelli	Written submission
CPAO	Canadian Paraplegic Association Ontario	December 4, 2001
CTB	City of Thunder Bay	December 6, 2001

Abbreviation	Organization/Individual	Date of Appearance
CTCAC	City of Toronto Community Advisory Committee on Disability Issues	December 4, 2001
DAP	Disabled and Proud	November 30, 2001
Dimitrie	David Dimitrie	December 3, 2001
DPCR	Disabled Persons Community Resources	November 30, 2001
Drumond	Kathryn Drummond	Written submission
Dube	Malia Dube	December 7, 2001
DWCCN	Disabled Workers' Complex Case Network	December 6, 2001
EQAC	Education for Quality Accessibility Canada	Written submission
ESS	Easter Seal Society	December 4, 2001
Germain	Anna Germain	December 4, 2001
GTHA	Greater Toronto Hotel Association	December 4, 2001
GWBFC	Guelph-Wellington Barrier Free Committees	Written submission
HAGI	Handicapped Action Group Inc.	December 6, 2001
HIA-WW	Head Injury Association, Waterloo-Wellington	Written submission
Hurlbert	Tracy Hurlbert	December 6, 2001
Labelle	Edgar Labelle	Written submission
LDAO	Learning Disabilities Association of Ontario	December 5, 2001
Leclair	Penny Leclair	November 30, 2001
LOTF	Learning Opportunities Task Force	December 4, 2001
MacGregor	Kevin MacGregor	December 3, 2001
Mailloux	Kay Mailloux	Written submission
Mantis	Steve Mantis	December 6, 2001
MDAG	Milton Deaf Action Group	December 5, 2001
Millward	Evelyn Millward	November 30, 2001
MSS-OC	Multiple Sclerosis Society of Canada, Ottawa Chapter	November 30, 2001
MSS-OD	Multiple Sclerosis Society of Canada, Ontario Division	December 3 and 5, 2001
NEORAD	Northeastern Ontario Regional Alliance for the Disabled	December 7, 2001
NFB	National Federation of the Blind	December 4, 2001
NLC-SB	Navy League of Canada, Sudbury Branch	December 7, 2001
OACL	Ontario Association for Community Living	December 5, 2001
OASW	Ontario Association of Social Workers	Written submission
OBIA	Ontario Brain Injury Association	December 4, 2001

Abbreviation	Organization/Individual	Date of Appearance
OBIA-CK	Ontario Brain Injury Association, Chatham-Kent and Windsor-Essex Chapters	December 3, 2001
OBIA-OC	Ontario Brain Injury Association, Ottawa Chapter and Ontario Head Injury Association, Ottawa Valley Chapter	November 30, 2001
OBIA-SD	Ontario Brain Injury Association, Sudbury District Chapter	December 7, 2001
OBIA-TB	Ontario Brain Injury Association, Thunder Bay Chapter	December 6, 2001
OCTA	Ontario Community Transportation Association	December 5, 2001
ODAC	Ontarians with Disabilities Act Committee	December 5, 2001
ODAC-WE	Ontarians with Disabilities Act Committee – Windsor/Essex County Chapter	December 3, 2001
OMOD	Ontario March of Dimes	December 5, 2001
OPSEU	OPSEU Disability Caucus	December 6, 2001
Owen	William Owen	Written submission
Proulx	Rachel Proulx	December 7, 2001
PUSH-NW	Persons United for Self-Help in Northwestern Ontario, Inc.	December 6, 2001
Riback	Carole Riback	December 5, 2001
SAODAC	Sault/Algoma Ontarians with Disabilities Act Committee	December 7, 2001
SDC	Sudbury Disability Coalition	December 7, 2001
Seed	Pat Seed	December 6, 2001
Shain	Alan Shain	November 30, 2001
Shannon	David Shannon	December 6, 2001
Spellman	D.C. Spellman	Written submission
Stark	Chris Stark	November 30, 2001
TACL	Toronto Association for Community Living	December 4, 2001
TBDIW	Thunder Bay & District Injured Workers' Support Group	December 6, 2001
Theberge	Richard Theberge	November 30, 2001
Tibbs	Anthony Tibbs	Written submission
TPS	Toronto Police Service	December 4, 2001
TT	Tourism Toronto	December 4, 2001
WACDI	Windsor Advisory Committee on Disability Issues	December 3, 2001
WAD	Windsor Association for the Deaf	December 3, 2001
Warren	Giles Warren	November 30, 2001

Abbreviation	Organization/Individual	Date of Appearance
WEBLC	Windsor-Essex Bilingual Legal Clinic	December 3, 2001
WECAN	Windsor-Essex County Advocacy Network for Persons with Disabilities	December 3, 2001
WNNRAG	West Nipissing Natural Resources Access Group Inc.	December 7, 2001