

## **Ontarians with Disabilities Act Passed** **(Please note that further details will appear soon on the Ontario Division website)**

The ODA passed late Thursday, December 13. However, it has yet to be proclaimed, which means it is not officially in effect. Presumably this will happen in the first quarter of 2002.

What the Act will do:

The Act requires the provincial government and much of the broader public sector to make and publicly release annual plans to identify, prevent and remove barriers, after a consultation process.

- \* has broad definitions of "barrier" and "disability."
- \* has limited enforcement mechanisms.
- \* could include the private sector if the Government chooses to do so by making the necessary regulations.
- \* has a process for developing regulations that allows for public comment before they come into effect. These regulations can include setting standards and time lines for removing and preventing barriers.
- \* has provincial Accessibility Council and municipal Advisory Committees that we can seek to make effective and accountable within the scope of their powers.
- \* Requires a majority of members on municipal Advisory Committees to be people with disabilities.
- \* Requires all municipalities to make annual accessibility plans, not just those with populations of at least 10,000.

"While Bill 125 falls significantly short of the goals of the ODA Committee, we have made some progress since Bill 83 was introduced in 1998 and was quickly withdrawn, after our widespread criticism. We also have a stated government commitment to achieve a barrier-free Ontario for persons with disabilities and a number of government commitments regarding this legislation against which we can monitor future actions, and where needed, hold the government accountable," David Lapofsky, Chair, ODA Committee.

### **Effect of consultation**

Largely as a result of the representations of many persons and organisations, including the MS Society, (Ontario Division and Ottawa and other Chapters), several amendments were made to the original Bill. Two of the most important are described below.

### **Recognition of Existing Legal Obligations**

Section 3 of the bill was amended by the only NDP proposal which the Conservative Government accepted, to provide that nothing in the ODA "diminishes in any way the existing legal obligations

of the Government of Ontario or any person or organization with respect to persons with disabilities." This provides a better assurance that nothing in the ODA can be used to reduce the rights of persons with disabilities. Originally, the bill had said only that nothing in the ODA "limits the operation of the Human Rights Code."

### **Public Input into Regulations**

Perhaps the most significant change to the bill which the amendments make is to provide for an avenue for public input into regulations. In Ontario, there is usually no legal process provided to ensure that the public has input into regulations. The amendments include the following new step for this process: before Cabinet can make any regulation under Section 22 of this bill, it must first publish a draft of it in The Ontario Gazette, and allow interested persons a reasonable opportunity to make comments on the draft to the Accessibility Directorate of Ontario.

The complete analysis of amendments will appear on the Ontario Division website