



**Submission to**

**The Legislative Assembly of Ontario  
Standing Committee on Social Policy**

**Regarding**

**Bill 118**

**Accessibility for Ontarians with Disabilities Act**

**January 31, 2005**

Multiple Sclerosis Society of Canada  
Ontario Division  
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## **INTRODUCTION**

- Good afternoon. I am Kris McDonald, co-chair of the Ontario Social Action Committee of the Multiple Sclerosis Society of Canada. With me is Deanna Groetzing, Vice-President, Communications, of the MS Society of Canada. We are here to offer the perspective of people with MS on Bill 118. I have had MS for more than 20 years.
- The MS Society of Canada, Ontario Division, supports Bill 118 and is pleased to participate in these hearings. Members of the MS Society pushed for the adoption of the 2001 Ontarians with Disabilities Act. We recognized at the time that it was less than what we wanted, but understood that it was a starting point and a valuable precedent in protecting the interests and advancing the concerns of people with disabilities, including people with MS.
- We are pleased to acknowledge the leadership of the McGuinty government, the Minister, Dr. Bountrogianni, and her staff and officials in moving forward with this legislation. We also want to note the important contributions of Ministers and MPPs from the former Conservative government and from the then Liberal opposition caucus, the NDP caucus and the work of literally thousands of activists including the ODA Committee led by David Lepofsky in getting us to this point.

## **OVERVIEW**

- For us, the reason for the legislation is to enable people with disabilities to obtain their rightful place within the full range of opportunities available in Ontario. If effective, it will contribute to their ability to achieve full economic, political and social citizenship.
- That goal needs to be at the forefront of evaluating the effectiveness of the draft legislation and considering ways to improve it. Given the many barriers and obstacles that exist to full and equal participation in the life of the province by people with disabilities, this is a challenging task.
- This brief does not summarize Bill 118. Nor does it provide a legal analysis. This Committee will hear a lot of legal arguments about the meaning of specific

clauses and provisions. Such analysis is important. However, our members emphasize a different perspective – what is important are changes that will improve their lives by enabling their full participation as citizens. We are focused on outcomes.

- It is important to keep in mind that we are at the beginning of a complex, multi-year process of developing and implementing accessibility standards. Many difficulties lie ahead, some predictable, others not. We urge the members of the Committee to adopt this perspective as a way of evaluating the many arguments you will hear. If the measures and wording that are proposed advance equality by improving accessibility, then good. You are on the right track.
- Our brief is focused on what people with MS want from this legislation and expect the Government of Ontario to do. From our perspective, the following are the key deliverables:
  1. **Accessibility standards that facilitate the activities of daily living**, including access to public transit, stores, restaurants, doctors' offices, hospitals and other health facilities, schools and shopping centres. This is not an exhaustive list. What we want to convey is the importance of developing and implementing, as quickly as possible, standards that will allow people with MS to participate fully in their communities. The key outcome is standards that will eliminate barriers to accessibility to the places that Ontarians depend on every day;
  2. **Benchmarks and timelines that result in steady progress** towards identifying barriers and implementing actions to remove them, based not on legal differentiation of sectors according to public and private status or size of facility and establishment but a pragmatic approach that identifies those most important to people based on the requirements of daily life;
  3. **A tracking process that provides publicly-accessible monitoring** of the process of developing standards, public input into the development of standards and, later, monitoring of the implementation of those standards. In our view, this is a critical requirement to maintain accountability and public confidence as we move forward;

4. **An enforcement process** to ensure that those required to remove barriers do so; and
5. **A simple, user-friendly complaints process** that enables a member of the public to raise concerns about the implementation or enforcement of the Act and for public participation in the adjudication of complaints.

## **SPECIFIC RECOMMENDATIONS**

Based on these considerations, we have a number of specific recommendations that we believe are important at this point to provide clarity, ensure continued forward momentum and achieve key objectives. They are as follows:

### **Section 1: Purpose**

- We recommend that the purpose of the Act be broadened. We recommend that it be amended to read as follows:

“The purpose of this Act is to remedy the exclusion and discrimination that persons with disabilities have experienced and continue to experience and to benefit all Ontarians by enabling them to participate fully in a barrier-free society by ...[retain existing (a) and (b)]”

In our view, this expanded purpose provides necessary clarity and guidance for those doing the work spelled out in the Act.

### **Section 2: Defining Accessibility**

- Accessibility is a fundamental concept of the Act. As currently drafted, the Bill reserves to Cabinet the right to define it by regulation. We believe that the work of the standards development committees will be simplified and improved if they work from the outset with a common definition. Therefore,

we recommend that a definition of accessibility be added to section 2 of the Bill and that the reference to accessibility in section 40 (1) (q) be deleted.

## **Section 6: “To the Public”**

- Section 6 (3) defines the potential reach for the application of an accessibility standard. In several places, it limits the applicability of standards to circumstances where services, etc. are offered to the public.

We are concerned that such limits may result in confusion and legal disputes regarding applicability. Such a provision used to exist in the Ontario Human Rights Code. It was removed after recognition that eligibility criteria, memberships or other factors might mean that the services in question were not available to the public and thus not subject to the Code. We urge the Minister and her officials to consider how to avoid such a result.

## **Section 9: Three-year stages**

- We recognize that the development and application of accessibility standards will be complex and time-consuming. However, we are concerned that the Bill may be overly generous in some of its time allotments.

In setting out a timeframe for implementation of measures, policies, practices and requirements, each committee is required to set “Phase one” implementation targets and a target date for their achievement that is no more than five years from the establishment of the committee. We recommend that this be changed to three years.

Successive target dates for subsequent implementation phases are to be set out with each successive target date no more than five years after the previous one. We recommend that this be changed to three years.

Finally, within five years after an accessibility standard is enacted by government regulation, the standards development committee is to re-examine the long-term standards and the implementation schedule and, if required, revise them and provide the revised standards and schedule to the

Minister. We recommend that this review occur within three years after the adoption of an accessibility standard.

### **Section 16: Compliance**

- Under section 16, a director may review a report filed under section 14 to determine whether it complies with the regulations and whether the person or organization who submitted it has complied with all applicable accessibility standards. We spoke earlier about the need for a tracking process. We call attention to this section because it highlights the need for some sort of regular review to enable evaluation of compliance. We urge the Minister and her officials to build such a monitoring function into the legislation.

### **Section 18: Inspectors**

- This section provides that the Minister may appoint inspectors. We urge the Minister to ensure that inspectors are appointed at the appropriate time to ensure effective and timely compliance with accessibility standards.

## **CONCLUSION**

Change challenges us. It threatens what is familiar and comfortable. It can evoke anxiety and fear – especially of the unknown.

The changes made by Bill 118 to the 2001 Act are momentous and positive. They should not be feared. We recommend these additional changes to Bill 118 to facilitate achievement of the goals of the Accessibility for Ontarians with Disabilities Act.

We thank the Committee for its consideration and will be pleased to respond to questions.

## **APPENDIX**

### **The Multiple Sclerosis Society of Canada, Ontario Division**

The Multiple Sclerosis Society of Canada is a national organization with seven regional divisions, of which the Ontario Division is the largest. An estimated 50,000 Canadians, including 20,000 Ontarians, have the disease. Everyday in Canada, another three people are diagnosed as having this potentially disabling disease of the central nervous system.

The mission of the Multiple Sclerosis Society of Canada is to be a leader in finding a cure for multiple sclerosis and enabling people affected by MS to enhance their quality of life. We accomplish this mission by supporting research, services, education and advocacy programs.

#### **For more information:**

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