



Accessibility for Ontarians with Disabilities Act (AODA) Observations and Recommendations

Official Presentation to AODA Review

Submitted to:

Mr. Charles Beer
Reviewer, AODA

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For us, the AODA represents hope.

Hope that the policies of accessibility and inclusion found in the intent of the AODA will spread across Canada, into each province and will include a federal role at some point in the future.

Certainly one clear item on the plus side is that we have a law that we can work with. We have a process in which we can participate and to which we can contribute. Aside from any critical feedback, this must be acknowledged. The process is unique, offering citizens, stakeholders and organizations a clear hand in contributing to law-making.

And the process of this review is warmly welcomed, perhaps one of the most candid dialogues with as many stakeholders in the past 4 years.

General Observations:

What is the AODA to US?

- The AODA is a cross-cutting statute. It is an excellent example of transformative policy. It is hugely important, touching every part of government, society, the economy. It is a human rights statute as much as it is an economic infrastructure statute.
- The IRONY? After 4 years of process, and the enactment of one of its regulations, the dialogue and knowledge of the AODA is minimal.
- The process of public education and awareness is the responsibility of the Accessibility Directorate of Ontario – a hard-working, dedicated group of exemplary public servants – who represent perhaps one of the smallest entities throughout the entire government. This is an overwhelming responsibility.

- Compliance and enforcement for the approximately 350,000 private sector entities obligated under the AODA are also the responsibility of the Accessibility Directorate. Is that feasible?
- We recommend more resources and an elevated position of the administration, public education, enforcement and compliance for the AODA – for the legislation to have teeth and to generate the voluntary buy-in across the various sectors. We need a bigger, better and stronger Accessibility Directorate or some relevant adjunct to ensure the legislation will actually work.

Public Consultations

- All consultations, be they online or in person, must be accessible to everyone. Not all consultations have, in our experience, been barrier-free. We recognize that the process of working towards a barrier-free Ontario is a *learning* process for all of us. We recommend that all future stakeholder sessions be fully accessible, and that any consultants retained to facilitate such sessions be screened for accessibility in every aspect of their communication methods.

Complaints Process

- With the change in the role of the Ontario Human Rights Commission it is essential that an arms-length entity be established to receive and investigate complaints. That role no longer can be found within the Ontario Human Rights Commission – or any other agency of government.

Committee Process

March of Dimes is represented on every Committee. We have thoroughly welcomed this opportunity and consulted with our members throughout the process.

The time commitment, although welcomed in terms of participation, was massive, and, in terms of the Built Environment Standard, leaves us asking many questions. The most important question is, “why ask for the expertise to craft a proposal – only to ignore that work in the end. I will explain. The Standards Development Committee spent countless hours crafting the Built Environment Standard. After all was said and done, all retrofits were removed from the Standard after the Committee finalized its recommendation. This leaves one to wonder, what was the purpose? Think of the implications of the AODA not addressing retrofits? Think about emergency preparedness. To not include retrofits renders any emergency preparedness plan for Ontario virtually moot, and certainly does not adequately include Ontarians with disabilities. What are our primary facilities used as refuge and shelter in the event of a disaster, natural catastrophe or other emergency? Our school gymnasiums, arenas, stadiums, hospitals – all of which, if already inaccessible, will remain inaccessible under the proposed standard.

This Standard needs to be reconsidered. And much of that process will require a coming together of ideas and a heavy infusion of ingenuity and creativity. Perhaps some areas of retrofit could be considered on a phased-in basis. But at least let's have the AODA address existing barriers and work to include Ontarians with disabilities. That's the whole point of the Act. We shouldn't be removing entire sections that breathe life into the principles of the legislation. We need to ask how we can do it and what resources are necessary.

What other tools are at our disposal to facilitate implementation and compliance? We need a greater effort and enhanced dialogue to find those solutions.

We can tell you that, in our experience with other jurisdictions and partners across Canada, many eyes are watching Ontario's AODA process very closely. Similar legislation is being considered in other provinces, such as Quebec, Manitoba and B.C., and we know that the federal government is considering what role it might have as well. While many elements of the process need improvement and possible re-consideration, we need to uphold Ontario's AODA as a model of policy excellence in Canada, and remember the tremendous opportunities right in front of us to pro-actively address the ever-growing challenges of tomorrow. This review process is key, so much so that we also recommend that a review similar to this be conducted annually (not every five years), reported to the Legislative Assembly, and posted publically so that we get a sense of how well we're addressing barriers and creating accessibility.

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