

# AODA: Blueprint for Exclusion

County of Brant Para Transit – A Case Study

By Karen McCall, M.Ed.

# What If...

The Emperor had no clothes.....

# What If...

- ◇ A municipality or organization “decides” that AODA is “not a real law.”
- ◇ A municipality or organization used the checkpoints for AODA standards as a checklist of “what we don’t have to do.”
- ◇ What if the AODA “is not complaint driven.”
- ◇ AODA standards being violated were brought to the attention of the Accessibility Directorate of Ontario, the Premier, the Ontario Municipal Board, the Ontario Ombudsman, and the media at large...
  - ◇ ...and no one is responsible for enforcement of the AODA and its standards.
- ◇ The result is the elimination of Para transit in a rural municipality.

# AODA: Blueprint for Exclusion

- ◆ One of the first case studies in the use of the Accessibility for Ontarians with Disabilities Act and its subsequent standards as a “blueprint for exclusion” of people with disabilities is the case of the County of Brant Ontario Canada and the goal of eliminating Para transit or specialized transportation service in the rural municipality.
- ◆ Not supported by data but the “cost of implementing the AODA is onerous” is based on impressions and stereotypes.
  - ◆ Contrary to the Undue Hardship Standards of the Ontario Human Rights Commission “Duty to Accommodate.”
    - ◆ “A mere statement, without supporting evidence, that the cost or risk is “too high” based on impressionistic views or stereotypes will not be sufficient. - See more at: <http://www.ohrc.on.ca/en/guidelines-accessible-education/undue-hardship-standard#sthash.IvifTy36.dpuf>”
- ◆ This will NOT be the last such case study.

# OHRC Undue Hardship Standards

- ◇ Objective evidence includes, but is not limited to:
  - ◇ Financial statements and budgets.
  - ◇ Scientific data, information and data resulting from empirical studies.
  - ◇ Expert opinion.
  - ◇ Detailed information about the activity and the requested accommodation
  - ◇ Information about the conditions surrounding the activity and their effects on the person or group with a disability. - See more at: <http://www.ohrc.on.ca/en/guidelines-accessible-education/undue-hardship-standard#sthash.IvifTy36.dpuf>

# What If There is no Oversight or Review?

- ◆ Calls for independent review of AODA implementation go unanswered.
- ◆ No AODA Ombudsman and the Ontario Ombudsman does not have AODA as part of what can be investigated.
- ◆ January 2013 only 20% of businesses in Ontario have submitted reports on compliance.
- ◆ With no oversight, many municipalities and organizations plan to “just wait it out” until 2025 hoping this will “go away.”
- ◆ Only municipalities and organizations already on board will move toward an inclusive Ontario.

# What If Audits Were Meaningless?

- ◆ In the summer/fall of 2012 the County of Brant, among other surrounding municipalities, were audited by the Accessibility Directorate of Ontario.
- ◆ The “audits” were based on what was established/in place at the time of the audit...which was a well-functioning specialized transportation service/Para transit. (Aside from the lack of management and oversight by the County. The service was meeting the needs of people with disabilities.)
- ◆ Despite being aware of what the intentions of the County were and that the County had stated that the AODA was not a law (documentation available), the Accessibility Directorate did nothing.
- ◆ Apparently the “audit” was filed with no further investigation.
- ◆ The effect was to encourage the County to further disregard the AODA.

# The Case Study

Although the first and perhaps the most egregious, this is not the only case study available illustrating the backlash toward the AODA and people with disabilities in Ontario.



# Basic Elements of Case Study

- ◆ Lack of contract oversight for approximately 6 years/life of the Para transit contract.
  - ◆ Service provider told in contract to “book as many trips as possible.”
- ◆ No apparent budget. Starting point of approximately \$70,000 per year.
- ◆ Participants start at approximately 100 who were eligible.
  - ◆ Growth of about 100 participants per year...no real documentation for some years of contract.
- ◆ End of 2010 County mandated metered rates for all taxi runs.
- ◆ Contract ended September 2011 and not followed up on.
  - ◆ Contractor asked for increase in subsidy to cover increased costs.
- ◆ People with disabilities accused of “abusing” Para transit/May 2012.

# Human Rights Law

- ◇ United Nations Convention on the Rights of People with Disabilities (Canada ratified in 2010).
  - ◇ Right to accessible, affordable transportation.
- ◇ Canadian Charter of Rights and Freedoms.
  - ◇ Equity rights for people with disabilities.
- ◇ Ontario Human Rights Code.
  - ◇ Section 11 states that another layer of discrimination cannot be added on a group already identified by the Code (income based Para transit).
  - ◇ OHRC Duty to Accommodate.
  - ◇ Accessible affordable transportation is a basic human right.

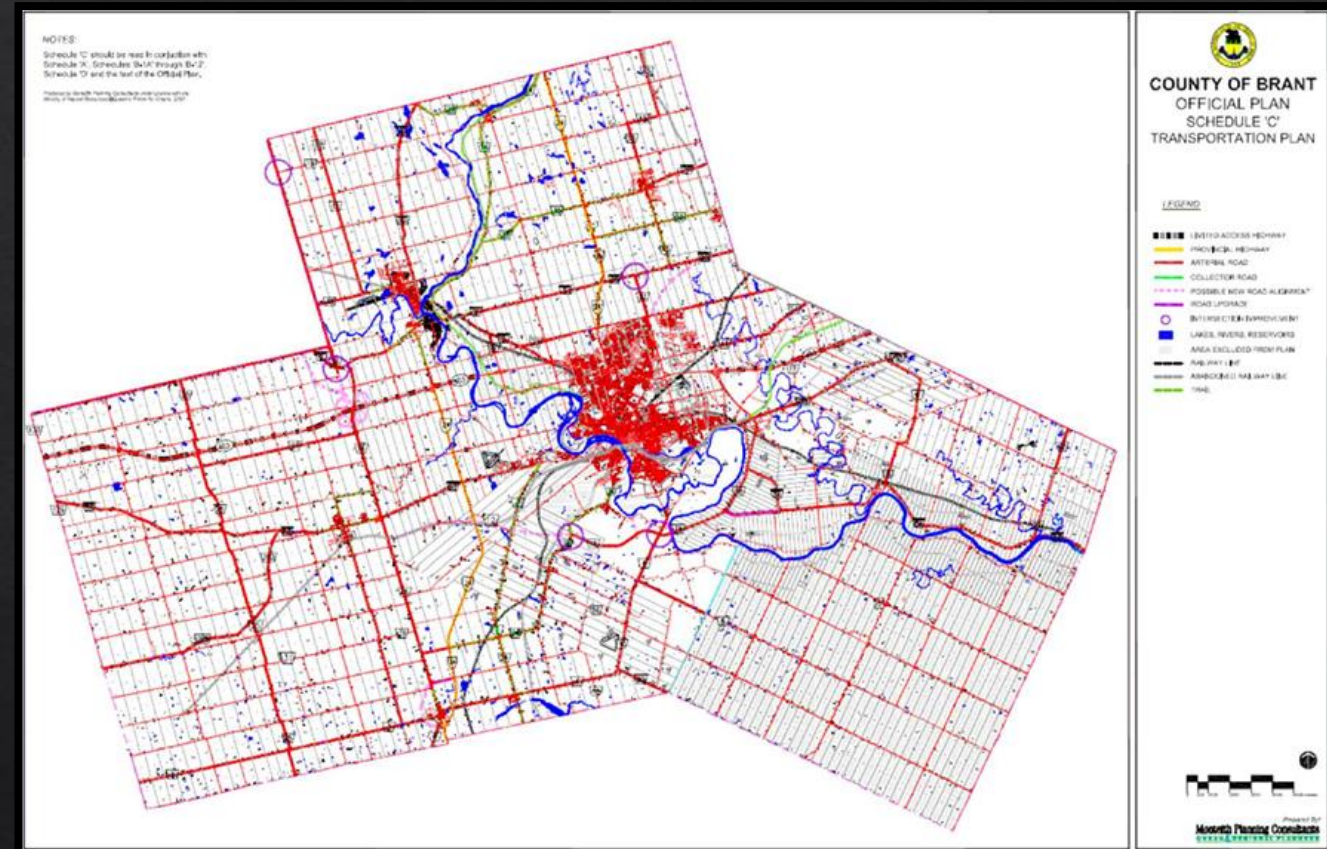
# Accessibility for Ontarians with Disabilities Act

- ◇ AODA establishes a provincial law enhancing the rights identified in the Ontario Human Rights Code.
- ◇ Integrated Accessibility Standards Regulations (IASR), Part IV – Transportation:
  - ◇ Sets tiered eligibility criteria for specialized transportation service/Para transit (Permanent, conditional and temporary disabilities).
  - ◇ Eligibility on compassionate / emergencies, visitors.
  - ◇ Information on Para transit available to everyone (accessible web site).
  - ◇ No trip restrictions (any hour, any where, any time).
  - ◇ More reasonable booking process – not days, weeks or months ahead.
  - ◇ No extra charge for support people or families if there is room in vehicle.

# Confusing Language of AODA/IASR

- ◇ By May 2013, the staff and elected officials from the County were interpreting the law as “you must have a conventional transportation service in order to have a specialized transportation service.”
- ◇ Not true based on legislation.
- ◇ AODA does not state this.
- ◇ IASR does not state this.
- ◇ There are standards that apply to both and standards that apply to each type of transit separately.
- ◇ No wording that prevents Para transit if conventional transit is not present.

# County of Brant Ontario



# History of Para Transit

- ◇ Around 1995 Para transit or specialized transportation service was operated by Operation Lift from Brantford (separate from the County).
  - ◇ Became too expensive for Operation Lift.
- ◇ BITS operated by taxi service (Brantford Integrated Transportation Service).
- ◇ 2006 RFP went out for “County Service” to replace BITS.
  - ◇ Formal contract between service provider and County.
- ◇ Paris Taxi won the RFP.
  - ◇ Even at beginning there were legal issues around insurance, licenses and dates when everything was in place.
  - ◇ Service provider and County fined over insurance issues.

# June 2008

- ◇ Paris Taxi began providing Para transit/specialized transportation service.
- ◇ Eligibility criteria – form signed by a medical professional indicating that someone has a disability.
- ◇ Funding subsidy is not clear.
  - ◇ Statements indicate that subsidies were anywhere from \$15 to \$25 per trip. No documentation as to what was actual subsidy.
- ◇ People with disabilities paid \$6 and County subsidized the amount from \$15 to \$25 per trip.
  - ◇ Even for trips of less than \$6, County subsidized \$15 to \$25.
- ◇ No oversight by the County during the life of the contract/5 years.

# Circa 2010

- ◇ Taxi service in the County went to metered rates.
- ◇ Previously there were flat rates or zone rates determined by the individual taxi companies.
- ◇ Affect on Para transit was that a more realistic account of the actual cost of para transit rides were apparent.
  - ◇ For example, going from Paris to Brantford where most of the services are can cost a minimum of \$20 one way.
- ◇ Still no oversight from the County.
- ◇ Service provider, as per the contract, began a campaign to increase participation in County Service/Para transit.



# June 2011

- ◇ The contract to provide Para transit expired.
- ◇ Not clear whether the contract was extended for 3 months or not.
  - ◇ Depends on who you talk to.
- ◇ September 2011 the 3 month extension expires.
  - ◇ No additional extensions or agreement to continue Para transit between the County and service provider.
  - ◇ Nothing documented but County Service continued with rate increase to participants to \$7.00 per ride.
- ◇ People with disabilities can travel anywhere in the County for any purpose.
  - ◇ Again, it is not clear what the geographical boundaries of para transit were.

# May 2012

- ◇ Beginning of May, service provider sent letter to County stating that it would bill the County for the difference between the \$7.00 charged to people with disabilities and the actual metered rate.
- ◇ County responded by alleging abuses of Para transit by people with disabilities:
  - ◇ “If they can afford to go shopping they can afford to pay full taxi fare.”
  - ◇ “If they can afford to go to the casino, they can afford to pay full taxi fare.”
  - ◇ “One woman goes to the casino every day, that is an abuse.”
- ◇ County moves to restrict access to Para transit for work or medical purposes only.

# June 2012

- ◆ After advocacy, the County Council and Community Services Committee reversed their decisions to restrict access to Para transit for only work or medical.
- ◆ Ad hoc specialized transportation service committee was struck to explore alternatives to the current program and requirements for an RFP that would integrate the transportation standards identified in the Integrated Accessibility Standards.
- ◆ Researched report presented to Council and the accessibility Advisory Committee outlining basic and protected human rights and the standards for Para transit/specialized transportation service in the Integrated Accessibility Standards Regulations (IASR).

# July 3, 2012

- ◇ First meeting of the ad hoc specialized transportation service.
- ◇ Several options discussed for retaining current level of service including examples from other rural municipalities.
- ◇ Staff:
  - ◇ “If they live a distance away from work, they can move closer.”
  - ◇ One woman goes to the casino every day, that is an abuse of County Service.”
  - ◇ If they can afford to go shopping, they can afford to pay full taxi fare.”
  - ◇ “We have people who don’t need the subsidy taking County Service. That is an abuse.”
  - ◇ “We can have income based eligibility.”
  - ◇ There are people without disabilities using the service.”
  - ◇ “There is no law saying we have to provide specialized transportation, it is a gift and we can take it away any time we want.”

# July 17, 2012 – 1

- ◆ Staff came to the ad hoc committee meeting with a recommendation:
  - ◆ Each eligible person with a disability can access up to \$400 in subsidy.
  - ◆ The person with a disability would pay \$240 of that amount with the County subsidizing the remaining \$160.
  - ◆ No consideration for anyone needing more than that amount of transportation.
- ◆ Coupon based approach as in Hamilton Ontario.
  - ◆ Hamilton has both a conventional accessible bus and bus-based para transit service.
  - ◆ Taxi-Script supports both of those services.
- ◆ County of Brant has no conventional transportation.

# July 17, 2012 – 2

- ◆ Staff “report” consisted of information copied and pasted from the Internet identifying 4 municipalities of varying size with fixed route transit that also had taxi-script to support the conventional transit service.
  - ◆ No analysis as to why the Hamilton based model was chosen and modified.
  - ◆ No acknowledgement that all of these models would have to change to comply with the Integrated accessibility Standards, Part IV Transportation.
  - ◆ No data for future, no data from past or present.
- ◆ Staff maintains the current service provider is being less than “honest” and people with disabilities are abusing the service.
- ◆ Staff: “If you don’t approve this, specialized transportation/para transit will end.”

# July 17, 2010 – 3

- ◆ Staff decided there is no need for a needs analysis.
- ◆ Enforcement Officer states that “if we put select items from the Integrated Accessibility Standards into the taxi by-law, we can get rid of the IASR all together.”
- ◆ Clarification was asked as to whether this meant the County was attempting to violate the IAS by stating it is not a “real law.”
  - ◆ Answer was “no.”
- ◆ Community members repeatedly stated that people with disabilities could not afford this and that it violated the right to go anywhere at any time.
  - ◆ “There is no law saying we have to provide specialized transportation, it is a gift and we can take it away any time we want.”
  - ◆ “If the recommendation is not approved, specialized transportation service will stop.”

# July 17, 2012 - 4

- ◇ There were more staff members than there were committee members
- ◇ Staff:
  - ◇ “We can get them to pay full fare and then reimburse them.”
  - ◇ “We can’t give them more than \$400 per month in travel.”
  - ◇ “We have a budget of \$100,00 and can’t go above that.”
  - ◇ “Once staff have control over eligibility I can weed out the people without disabilities.”
  - ◇ “I can monitor the coupons and make adjustments accordingly.”
  - ◇ “One woman goes to the casino 10 times a day.”
  - ◇ “People with disabilities are abusing the service.”



# No One Will Touch This – 1

- ◇ Ontario Ministry of Community and Social Services which housed the Accessibility Directorate at that time and is charged with compliance and enforcement.
  - ◇ The Accessibility Directorate of Ontario:
    - ◇ “AODA is not complaint base.”
    - ◇ “Your feedback will be kept for statistical purposes only.”
- ◇ Minister of Transportation (provincial). No help.
- ◇ Municipal Board of Ontario (provincial). No help.
- ◇ Association of Municipalities of Ontario. No help.
- ◇ Local MPP and MP. No help.

# No One Will Touch This - 2

- ◆ Ombudsman of Ontario (cannot investigate municipalities).
  - ◆ This is a good reason to support MUSH initiative which would allow the Ombudsman to investigate Municipalities, Universities, School Board and Hospitals/Health Care facilities.
- ◆ Local LAS or Ombudsman was willing to investigate as per the Sunshine Law and use of informal meetings held without all committee members or events that proceed outside of actual committee meetings.
  - ◆ County would not provide LAS application form.
- ◆ Media was not interested.
- ◆ Premier of Ontario not interested.

# July 31, 2012 – 1

- ◆ Discussion resumed by ad hoc committee.
- ◆ Despite repeating a motion at the July 17 meeting three times and having the clerk reading it back to verify the motion, the motion to:
  - ◆ “Approve the consideration of the transportation scheme based on the Hamilton model” and tasking staff to come back with more information, became:
  - ◆ “The approval of the staff recommendation to be sent to Community Services
- ◆ Community members commented on the complete misrepresentation of what had been voted on.
- ◆ County clerk’s office called community member to state that this was a mistake and it was not appropriate for community members to question clerk’s notes.

# July 31, 2012 – 2

- ◇ The minutes for the July 17 meeting were not accurate:
  - ◇ Did not have any of the comments by community members about the low income levels of people with disabilities (Canadian PALS statistics), protected rights information, specific references to the Integrated Accessibility Standards that must be complied with or objections to the staff recommendation.
- ◇ Minutes read like an internal staff meeting.
- ◇ Ad hoc committee members were told that meeting notes were not verbatim.
- ◇ Mayor states that “staff are professionals” and this is the only recommendation the committee is to consider.
- ◇ “Specialized transportation/Para transit is a gift, we don’t have to do it and we can take it away any time we want.”
- ◇ “If the recommendation is not approved, specialized transportation service will stop.”

# July 31, 2012 – 3

- ◇ Staff: “if we call it a subsidized transportation service we don’t have to do anything with AODA and the transportation standards.”
  - ◇ “We can put some of the items from the IAS into the taxi-bylaw and then we don’t have to sign a contract.”
  - ◇ “The “subsidized” service would not be for low income households, it would only be for people with disabilities.”
  - ◇ “Many Counsellors don’t see the need for Para transit.”
  - ◇ “If the recommendation is not approved, specialized transportation service will stop.”
  - ◇ “Many people don’t really have disabilities.”
  - ◇ “Many people can afford full taxi fare.”
  - ◇ “If they live a distance away from work, they can move.”
  - ◇ “The IASR and AODA are not real laws, just suggestions.”

# August 7, 2012

- ◆ Members of the ad hoc committee were notified that the next meeting was cancelled because “staff need more time to perform the requested tasks” from the July 31 meeting.
- ◆ Unapproved agenda goes up on County web site:
  - ◆ “August 14, 2012 - 1:00 p.m. Downstairs Meeting Room - Paris Service Office
  - ◆ “Note: The Community Services Committee will be meeting on August 13, 2012 to consider the initial recommendations of the Specialized Transit Ad Hoc Committee. As such, any comments/recommendations made by the Community Services Committee cannot be incorporated into a staff report/recommendation for the originally scheduled August 14 meeting, and it is staff's suggestion that the originally scheduled meeting for August 14 be rescheduled to account for these comments/recommendations.”

# August 13, 2012 – 1

- ◇ Without direction from the ad hoc committee, staff went to the Community Services Committee with a report identifying other options for para transit.
- ◇ Mayor: “There is a lot of infighting in the ad hoc committee.”
  - ◇ “the ad hoc committee is ineffective.”
  - ◇ “Wrong members from the community were chosen for the ad hoc committee.” (The Mayor nominated us to serve on the ad hoc committee.)
- ◇ Community Services Committee agreed that staff were to report directly to Community Service for approval of Para transit schemes.
- ◇ Ad hoc STS committee members were not notified of this meeting.

# August 13, 2012 – 2

- ◇ Karen McCall went to speak to the Community Service Committee:
  - ◇ Attempts to identify the flaws in the process/ad hoc committee.
  - ◇ “Can’t talk about one committee in another committee meeting.”
  - ◇ Mayor walked out saying he didn’t have to listen to that.”
  - ◇ Counsellor: “What we are saying is that people with disabilities need to learn how to budget their money like everyone else and if they can’t do that, they need to consider moving and changing their lifestyle.”
  - ◇ Mayor stated that actions were “shameful” I responded by stating that the actions of the County were shameful in attempting to restrict Para transit.
  - ◇ Karen not permitted to speak any further.
- ◇ Mayor stated that “She has tried to do this at other meetings too.”



# August 13, 2012 – 3

- ◇ Staff recommended a new variant to their original scheme:
  - ◇ “Accessibility in Motion”
  - ◇ Staff would carefully create the eligibility criteria to minimize participants.
  - ◇ “We know not everyone will be able to afford the maximum \$240 a month.”
  - ◇ No way to get more than \$400 per month in travel.”
  - ◇ County will control eligibility, coupons, photo ID and subsidy.
    - ◇ When asked what the budget for the County administration of the scheme would be and where it would come from the answer was “Staff assures the committee that they can handle it.”
  - ◇ There is no legislation saying we have to provide Para transit and we can take it away any time we want...it is a gift to people with disabilities.”

# Para Transit is a Luxury

- ◇ It was at the August 13, 2012 meeting of the Community Services Committee that one elected official made the following statement:
  - ◇ “...people with disabilities need to learn how to budget their money just like everyone else. If they can’t afford the luxuries then they should consider moving and changing their lifestyle.”
- ◇ This was the same elected official that started this whole process in reaction to the request from the current service provider.

# October 1, 2012 – 1

- ◆ A representative from the Accessibility Directorate spoke at the Community Services meeting.
- ◆ Although the representative stated everything the community has stated, one question was asked “do we have to provide specialized transportation?”
- ◆ The response was that there is no requirement in the Municipal Act, however there are requirements in the Human Rights laws of Canada and Ontario.
- ◆ One taxi company owner stated “My drivers don’t want to push those people around, loading them and unloading them.” This statement was not challenged by staff, committee members or the representative from the Accessibility Directorate.

# October 1, 2012 – 2

- ◇ This one question and answer was transformed in the revised staff transportation scheme as:
  - ◇ “And Whereas the County of Brant has been advised by the Accessibility Directorate of Ontario there is no legislative requirement for the County of Brant to provide Subsidized Transportation to persons with disabilities as the County does not provide a conventional transportation system; even though historically the County has been providing this type of service to assist persons with disabilities since 2007;”
  - ◇ “At the October 1, 2012 Community Services Committee Meeting, Darren Cooney, Manager of Public Education and Partnerships with the Accessibility Directorate of Ontario confirmed during his presentation that with respect to the Accessibility Standard for Transportation, the County of Brant is not required to provide a subsidized transportation program.”

# November 5, 2012 – 1

- ◆ Latest variant of the staff recommendation is unveiled at the Community Services meeting.
- ◆ New Scheme:
  - ◆ Of the total annual budget for Para transit service, \$25,000 will be spent on staff determined eligible people with disabilities going to staff approved medical trips only.
  - ◆ Remaining \$75,000 of the budget will be spent on an “Accessibility Coordinator” to manage the \$25,000 “Subsidized Transportation Program.”
  - ◆ By calling it a “subsidized” program not a specialized program they can avoid the Integrated Accessibility Standards Regulations.
  - ◆ Accessibility Directorate of Ontario says they can do this.

# November 5, 2012 – 2

- ◇ When asked how people with disabilities are to get to work or go shopping, one Counsellor states:
  - ◇ “They can call an ambulance.”
- ◇ When a community member made a spontaneous comment to this statement without being recognized by the Chair, they were cited for misconduct.

# November 19, 2012 – 1

- ◇ The dissolved then resurrected ad hoc specialized transportation service committee meets after mayor is overheard saying “the ad hoc committee has to meet to prove it was not dissolved.”
- ◇ Staff: “We can’t let anyone with a disability go anywhere they want.”
  - ◇ “if they work they can afford to pay full taxi fare.”
  - ◇ “Statistics are just numbers and we don’t have the actual income of those who are working to know whether they can pay full taxi fare or not.”
  - ◇ I found an online grocery site that delivers so they don’t need to go shopping.”
- ◇ Mayor: “Going to the casino is not participating in the community.”
- ◇ Staff stated that “If you don’t approve this now, County Service will be stopped immediately.”

# November 19, 2012 – 2

- ◆ Several research papers were presented by community members identifying the medical and welfare costs of isolation and social isolation of people with disabilities.
- ◆ Statistics supporting the Canadian PALS statistics from Australia and the European Union were presented.
- ◆ Research and articles on the potential for abuse of people with disabilities due to isolation and lack of accessible affordable transportation were presented.
- ◆ None of the staff recommendations have a section identifying the impact to the community although they all have a section on impact to the County (mostly budget saving and that the schemes meet the needs of the community and the County's strategic planning goals).



# November 19, 2012 – 3

- ◆ Although staff stated that if the new scheme wasn't approved immediately that specialized transportation/para transit would stop immediately;
  - ◆ The CAO for the County agreed to contact the county Solicitor at the request of community members to verify that the proposed scheme did not violate basic and protected human rights and the IAS.
- ◆ There have been no other meetings of the ad hoc specialized transportation service committee after this date...apparently it was dissolved again.

# Strategic Guidance Goals

- ◇ At the top of every staff recommendation put to any committee, the County of Brant has the following as “Strategic Guidance Goals:
  - ◇ To ensure our community is healthy, safe and progressive.
  - ◇ To ensure high quality service to our community including effective two way communications.

# Approved Transportation Scheme

- ◇ On December 3, 2012, the 20<sup>th</sup> anniversary of the United Nations International Day for People with Disabilities, the Community Services Committee approved the following:
  - ◇ Subsidized transportation program so that they don't have to follow Ontario Regulation 191/11 transportation standards.
  - ◇ Capped budget of \$100,000 for the year and once that is reached, service will stop until Council approves more funding.
  - ◇ Participants will only be subsidized 50% up to a maximum of \$20 for each trip.
  - ◇ Participants will have to pay for an additional taxi trip to take their receipts for the month to the County office, submit them, go home and wait for reimbursement.
  - ◇ So participants will have to pay full taxi fare for each trip. Many trips are \$50 or more one way. Reimbursement will only be done once a month and only for trips verified by County Staff...despite receipts...and after they have been taken.
  - ◇ County Solicitor advised that the County cannot restrict trips as that would violate human rights.

# Warning to People with Disabilities

- ◆ In a discussion that resulted in a sort of consensus and was not voted on, Community Services, led by elected Counsellors, decided that if someone filed an Ontario Human Rights complaint regarding the subsidized transportation scheme, the County could stop the service altogether.
- ◆ This action was agreed upon on the United Nations International Day for people with Disabilities.
- ◆ The head of the community Services Department/staff said the committee could do this and supported this statement.

# Early January 2013

- ◇ At the beginning of January 2013, the County sent letters to people with disabilities telling them that the approved transportation scheme would start March 1, 2013 and that information sessions would be held during times when accessible taxis were not available due to school runs and people with disabilities who do have employment were at work.
  - ◇ These were sessions on how to fill out the new eligibility forms and not sessions for community input or collaboration.
- ◇ In December 2012 the County hired an Accessibility Coordinator – a position had had not existed until December 2012 and was not budgeted for until December 2012.
  - ◇ This was announced in a local paper in an article on the Para transit issue where the County said that the changes to Para transit were due to budget cuts.

# County “Finds” Funding!

- ◆ Jump to January 22, 2013: minutes before several parents of adult children with intellectual and developmental disabilities are to present their case to County Council, the Mayor announces that after hours of deliberation the County has found \$100,00 to add to the Para transit budget for 2013.
  - ◆ Now total budget for Para transit in 2013 is \$200,000.00.

# Two Public Meetings

- ◇ Two public meetings were held in February 2013, this time in the evening.
- ◇ Parents of children with disabilities asked about a zone based Para transit service:
  - ◇ People with disabilities can't manage many coupons.
  - ◇ Save County money in printing costs.
  - ◇ Zone rates would be clear and consistent.
- ◇ Staff still holding on to the coupon based percentage recommendation initially proposed.
- ◇ Issue of “subsidized” service raised by people without disabilities:
  - ◇ If the service is subsidized, why can't low income people use it?
  - ◇ Why are “disabled privileged?”

# AAC Meeting February 25, 2013

- ◆ The AAC meetings are held when they are because of caregiver scheduling. This is contrary to the statement by parents and caregivers of people with disabilities that the meetings are being held when they can't attend (as if it were intentional).
- ◆ Staff put forward a recommendation for approval:
  - ◆ The original transportation scheme of July 2012, or;
  - ◆ Put out a request for RFP.
- ◆ Staff then told AAC members that the County “cannot contract specialized transportation service” and then added that this would go against the IASR.
- ◆ The AAC approved the original staff recommendation with the variation of percentage subsidized by the County.
- ◆ Staff stated that “zone based specialized transportation could not be implemented because taxis have meters.”



# People with Disabilities at Risk

- ◇ The taxi company whose owner stated at the October Community Service meeting that “drivers don’t want to load and unload those people” had a person with a disability use the shuttle service recommended by the County for \$7.
- ◇ The elderly person who uses a mobility aid did not understand that a shuttle had stops and was not door to door service.
- ◇ The elderly person found this out when the shuttle stopped at the predetermined stop a block or two away from where they wanted to go.
- ◇ The driver agreed to take the elderly person directly to their destination.
- ◇ Upon arrival, the elderly person was charged:
  - ◇ \$7.00 for the shuttle service.
  - ◇ \$5.00 for going off route.
  - ◇ \$3.00 for loading and unloading the mobility aid each time it was loaded/unloaded.

# Council Meeting March 19, 2013

- ◇ Council decided at the last minute to refer the issue of specialized transportation service back to the AAC for a “final decision.”
- ◇ Many Counsellors were frustrated at the number of calls they are getting about this issue and just want it to go away.

# April AAC Meeting

- ◆ Although there is usually a descriptive agenda for each committee meeting, there was not for this one.
- ◆ Although every piece of correspondence sent to a committee is published with the minutes or agenda for that committee, when asked why the three letters of resignation from the AAC by its Chair and two other members were not on the County website.
  - ◆ The Clerk stated that “they are usually only put on the website when requested.” If you don’t know a piece of correspondence exists, how can you request that it be published for the meeting the information was submitted for?
  - ◆ This is not true for other pieces of correspondence for other meetings...just those that disagree with what the County is doing about Para transit.
- ◆ The AAC was presented with 3 options and this time chose to send out an RFP.
  - ◆ Staff will come back on April 23 with an RFP proposal for approval.

# April 23 AAC Meeting

- ◇ A “draft” set of guidelines, not a true RFP proposal for a “subsidized” transportation “program” was presented for comment.
- ◇ Problems:
  - ◇ Still a subsidized program not a specialized transportation service.
  - ◇ Called “unique” in an effort to circumvent Provincial laws.
  - ◇ Some of the IASR transportation standards are present then contradicted, some are watered down and some are missing.
  - ◇ People with disabilities “are permitted” to use service animals and mobility aids but ONLY in the County public areas.
  - ◇ If the Accessibility Coordinator decides a person with a disability needs an attendant, that person will not be allowed to use the subsidized program without one.
  - ◇ Combines both the “on-demand” standards with this subsidized program.
  - ◇ Visitors can only use the subsidized program IF they travel with a person eligible for the subsidized program.

# June 6, 2013

- ◆ The non-transparent process of eliminating Para transit/specialized transportation has gone to RFP/Request for Proposals.
  - ◆ Opening paragraph of RFP lays the “blame” COMPLETELY at the feet of AAC.
  - ◆ Includes the “guidelines that violate the IASR and human rights law.
  - ◆ Is only for 4 months (September 1 to December 31, 2013).
  - ◆ Statements/clauses indicating that any future Para transit will depend on budget meetings and funding not yet determined, in the planning process or in any other way being researched.
- ◆ The County will achieve its goal of eliminating Para transit on December 31, 2013.
- ◆ No one has risen to the aid of those of us in the County who depend on Para transit to live in the county. NO one, including the ADO.

# July 2013 – We have a winner?!

- ◆ The winner of the RFP was announced in late July.
- ◆ The winner of the contract has no accessible vehicles, no dispatch service and no staff.
- ◆ The winner of the contract to provide Para transit to approximately 600 people with disabilities has one sedan vehicle and an answering machine.
- ◆ In the points to win the contract category, the runner up has 4 sedan vehicles, no accessible vehicle and no dispatch system.
- ◆ The “winner” of the contract is to have purchased 1 accessible vehicle, hired a qualified driver, paid the insurance...and obtained an interprovincial license to operate in the County by September 1, 2013.

# August 2013 – Information Packages Sent Out

- ◆ Some customers of the existing Para transit service were contacted by phone, e-mail or letter months ago to find out if they were interested in reapplying for Para transit.
  - ◆ Most were not. The County has all the eligibility forms/contact information for current customers.
  - ◆ Information packages were sent out in late July 2013 but those packages did not contain a copy of the “guidelines” for the RFP which included codes of conduct for both drivers and customers.
  - ◆ Some customers of the current service did not receive this information package.
  - ◆ The information package stated that customers of the Para transit service would be contacted mid-August to confirm a service provider if the winner of the contract was not able to meet the rFP requirements.

# October 2013

- ◇ The “new” service provider has had the contract for two months now.
  - ◇ People with disabilities late for work.
  - ◇ People with disabilities stranded at destination for hours (one person waited for 4 hours).
  - ◇ People with disabilities having trips cancelled without warning or notification.
  - ◇ People with disabilities being taken to wrong addresses.
- ◇ County decided that despite the total yearly expenses for Para transit in 2012 of \$175,000 and the increased budget for 2013 of \$200,000 AND an average yearly increase of about 100 people a year applying for Para transit AND a potential 3,500 people with disabilities eligible for Para transit in the County THAT:
  - ◇ The budget for 2014 is \$150,000!
  - ◇ AND...there is still not five or ten year plan for Para transit in the county!



# Moving Forward

- ◆ Slide title almost an oxymoron.
- ◆ IF the County of Brant did not have in place a specialized transportation service, and;
- ◆ IF that specialized transportation service had not existed for over a decade in one form or another, then;
- ◆ There might be a case for not starting this type of service/public transportation in this rural municipality.
- ◆ HOWEVER, the question remains: If a municipality decides, without supportive data or budget planning, to eliminate specialized transportation to avoid implementing a provincial law, and this action discriminates against people with disabilities, who is to stop them?

# Research Proposal

- ◆ Am looking for funding ideas for a three year research study into specialized transportation in rural municipalities.
  - ◆ Aging at Home strategy does not take into account transportation needs of those who cannot drive and who live where there is no conventional transportation service.
  - ◆ The increase in the number of seniors who can't drive and who live in rural municipalities will increase significantly over the next five to ten years.
- ◆ Exploration of what exists, what is being proposed, what the barriers are to Para transit in rural communities, and possible solutions.

# Karlen Communications

- ◆ Contact Karlen Communications:
  - ◆ [info@karlencommunications.com](mailto:info@karlencommunications.com)
- ◆ Website:
  - ◆ <http://www.karlencommunications.com>
  - ◆ The Accessibility for Ontarians with Disabilities Act page contains links to the [enforcement.aoda.ca](http://enforcement.aoda.ca) articles, copies of technical comments submitted to the County of Brant on the various incarnations of the transportation scheme and copies of letters to the editor of the Paris Star that have been published.