

Dean Mayo Moran Review of AODA Implementation and Enforcement Written Submission

“Make the Right Real!”

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Preface

This document provides supplemental and supportive information for the key points raised during the oral presentation before the Dean Mayo Moran Independent Review of the AODA, April 9, 2014 at the London Ontario Convention Centre.

The oral presentation focuses on specialized transportation service, the Transportation Standards and rural municipalities. This document provides comprehensive comments on the AODA and the IASR as a whole.

We appreciate that Ontario has made some progress on the road to becoming fully accessible since 2005. Had we not fought for and won the enactment of the AODA in 2005, we would not have made as much progress. We are especially appreciative of all those organizations and individuals who have taken the AODA and accessibility seriously and taken prompt, bold and decisive action to remove and prevent barriers against persons with disabilities. (AODA alliance)

One of the questions that the article by the [AODA Alliance for the Accessibility News Blog](#)¹ from which the previous quote is from, asked how the AODA and its subsequent standards have changed our lives and if those changes have been for the better.

This very issue is why I feel compelled to make a presentation before the review. Up until May 2012 I knew about the Accessibility for Ontarians with disabilities Act and that the goal was to create an inclusive Ontario. However, I did not realize that the AODA would so profoundly affect my life in a negative way, the result of which has caused me to face the potential loss of my home and community.

I moved to a rural municipality in 2008. As a person with a disability, I never thought I would be able to live in a rural municipality. I've always lived in urban areas as they had public transit and hospitals as well as other supports that I would need as I aged.

One of the reasons I was able to move to a rural municipality was that there was specialized transportation service for those of us with disabilities. There is no conventional transportation service as the geographic area of the municipality is approximately 326 square miles and the largest town has between 8 and 10 thousand people. But they had specialized transportation service and it was, at that time, a contracted service.

Up until May 2012 those of us with disabilities were able to live independent lives and travel freely in a defined geographical area for a fare of \$7.00 one way.

¹ Sign Up for Public Hearings for Dean Mayo Moran's Independent Review of the Accessibility for Ontarians with Disabilities Act's Implementation and Enforcement in Ottawa, Toronto, London, Thunder Bay and On-Line: <http://www.aoda.ca/sign-up-for-public-hearings-for-dean-mayo-morans-independent-review-of-the-accessibility-for-ontarians-with-disabilities-acts-implementation-and-enforcement-in-ottawa-toronto-london-thunder-b/>

The specialized transportation service is taxi-based. The municipality acknowledges that it was not managing or providing any oversight of the specialized transportation service nor was there a specific budget or budget review for each year of the contract.

Yet the events that followed the “discovery” of this after the end of the specialized transportation service contract provide the basis for a case study in the failure of the AODA and its subsequent standards and the degradation of human rights for those of us with disabilities in the municipality...with no one willing to assist us or defend those rights.

How has the AODA changed my life?

1. I never imagined that statements such as “AODA is not a real law,” “If we call it subsidized transportation we can get rid of AODA,” “If they can afford to go grocery shopping they can afford to pay full taxi fare,” “We can’t let anyone with a disability go anywhere they want,” If a human rights complaint is filed, service will stop “and “This (specialized transportation service) is a gift, done out of the goodness of our hearts...and we can take it away any time we want” would be the mainstay of staff and elected officials.
2. I never imagined that I would be involved in a two year fight to stop the elimination of specialized transportation service in my municipality.
3. I never imagined that I would have to continually ask for Accessibility Advisory Committee meeting documents and information on Council and committee meetings to be provided in an accessible format on the website and during the meetings.
4. I never imagined that a municipality would arbitrarily decide that people with disabilities were worthless and should “move.”
5. I never imagined, that in 2012, those of us with disabilities living in Canada would be in a fight to stay in our homes and communities despite having layers of human rights laws and the AODA.

On the other hand, I never imagined that I would have the opportunities to present this [case study in the failure of the AODA](#)², to attend global conferences and UN meetings on the rights of people with disabilities and be invited to provide comments on the revisions to articles 9 and 12 of the Convention on the Rights of people with Disabilities.

I never imagined that I would become a spokesperson and advocate for the inclusion of taxi-based transportation in the category of specialized transportation as either a support for bus-based specialized transportation service or as a stand-alone taxi-based specialized transportation service.

² Accessibility for Ontarians with Disabilities Act webpage at Karlen Communications:
<http://www.karlencommunications.com/AODA.html>

I never imagined that I would become an advocate for specialized transportation in rural municipalities.

I never imagined that the “price” of these new skills would be the loss of my home and community.

My background is in digital content accessibility and I am a Canadian delegate to the ISO committee that developed the standards for accessible PDF documents (PDF/UA).

Over the years I’ve provided comments on technical standards on accessibility as well as comments on the revision of Section 508 and the draft AODA IASR.

But at the very core of the AODA is the reality that those of us with disabilities still face systemic, institutional and environmental barriers. The difference that the AODA and its subsequent standards has made is that we now know there is no enforcement of our human rights, no independent investigative entity and that those of us with disabilities living in rural communities have been left out of the AODA.

Accessibility should be done with us and not “to us.”

Those of us with disabilities need a mechanism to identify possible violations and noncompliance. After all, we are the ones encountering the systemic barriers and discriminatory environments in our daily lives.

Currently, the only recourse is to file an Ontario Human Rights Complaint. This may not always be the best solution and it clogs the Commission with an overwhelming number of human rights complaints based on AODA noncompliance and violations. While it is true that the AODA builds on and defines standards for the Ontario Human Rights Code, the Ombudsman of Ontario would often be the better choice for investigation, intervention and mediation of noncompliance and violations.

In the aforementioned case study demonstrating the failure of AODA and the use of the legislation as a blueprint for exclusion, a municipality made statements about the legality of the provincial laws and then acted upon those statements. As of the date of this review, the municipality is in noncompliance of several AODA standards including those for transportation, and face no consequences or intervention from the provincial government or anyone else.

By far two of the most egregious statements were made by staff (and endorsed by elected officials) during the ad hoc specialized transportation service committee meetings in July 2012 when staff stated that:

“AODA is not a real law” which then set the framework for “getting rid of AODA” in the municipality.

“If we call it subsidized transportation instead of specialized transportation we can get rid of the AODA.” Although this statement might appear to be grounds for

exclusion under the IASR, the rebranded “subsidized” program does meet the definition under the IASR of a specialized transportation service.

These statements were supported by elected officials who claimed that the AODA is too onerous to implement.” (As the basis for these statements and actions, the data confirming the onerous nature of implementing AODA and its subsequent standards was asked for from the municipality and the response was that it could not be calculated.)

It is clear from these statements and the actions that followed these statements that the conscious intent was to violate the AODA and its subsequent standards.

Those of us with disabilities begged every level of government and Ministry that might have even been remotely associated with transportation and municipal affairs for help in guiding and educating the municipality toward AODA compliance, but no one would help...not even the Accessibility Directorate of Ontario.

Specialized transportation service in this case study has always been taxi-based and almost all of the Integrated Accessibility Standards Regulations were already being implemented. There is no clear reason for the position held that “AODA is not a real law” or that “if we call it subsidized transportation, we can get rid of AODA.”

In this case, intervention and education by the Accessibility Directorate of Ontario and perhaps the Ontario Human Rights Commission could have prevented further attempts at noncompliance and demonstrations of systemic discrimination.

Having the ability to take this issue to the Ombudsman of Ontario could have initiated an investigation into the intent of the municipality to comply with all AODA standards.

While we recognize that as Councilors stated “there is no law saying we have to provide specialized transportation service and we can stop it at any time”, there is a duty to accommodate, we’ve had specialized transportation service in one form or another for 20 years in the municipality and the elimination of specialized transportation service was based on the goal of “getting rid of the AODA” and avoiding accountability for lack of oversight of the existing contract.

Without intervention and enforcement, the municipality did change the branding of specialized transportation service also known as County Service to the “Subsidized Transportation Program.” On all documentation prior to this event, County Service was referred to as a specialized transportation service. The ad hoc committee tasked with coming up with RFP criteria for moving the specialized transportation service forward was even called the “Ad Hoc Specialized Transportation Service Committee.” (The committee was arbitrarily dissolved after three meetings because members from the community objected to the violation of human rights and the AODA.)

Despite the addition of approximately 100 new people to the participant list for specialized transportation for each of the past six years, the budget was cut from \$200,000 for 2013 to

\$150,000 for 2014. In 2012 before a budget was actually set for specialized transportation, the actual cost of specialized transportation in the municipality was \$175,000 for that year. Service is gradually being decreased toward elimination of Para transit even though by the IASR definitions, the service is still a specialized transportation service.

Those of us with disabilities who have been able to live in the municipality, many whose families have been here for generations, are slowly being forced out of the municipality as we become prisoners in our own homes with the slow elimination of specialized transportation service. This is only one of the noncompliance and violations of AODA in this municipality.

As well as the Integrated Accessibility Standards Regulations, Canada ratified the United Nations Convention on the Rights of People with Disabilities in 2010 and as a country, we have obligations and accountability for its implementation. [Article 9 of the CRPD supports access to public transportation](#)³ (specialized transportation is a recognized sub-sector of conventional transportation or public transit.) Article 9 has been copied to Appendix A of this document for convenient reference.

Additionally the Ontario Human Rights Commission has made access to public transportation (which includes specialized transportation service) a priority and has conducted consultations toward that goal.⁴ The OHRC published a “[Submission of the Ontario Human Rights Commission to the Transportation Standards Review Committee regarding the Initial Proposed Transportation Accessibility Standard](#).”⁵

In February of 2014 the [Zero Project released a report on the international implementations of the CRPD](#)⁶. The report further supports “Public transport accessibility is a prerequisite of many other rights defined in the UN CRPD.”⁷

The continuing issue of attempting to restrict or eliminate specialized transportation service in this municipality is only one example of how the AODA and its subsequent standards are being used as a blueprint for exclusion.

³ United Nations Convention on the Rights of People with Disabilities, Article 9: <http://www.un.org/disabilities/default.asp?id=269>

⁴ Ontario Human Rights Commission, Human Rights and Public Transportation: http://www.ohrc.on.ca/sites/default/files/attachments/Consultation_report%3A_Human_rights_and_public_transit_services_in_Ontario.pdf

⁵ Submission of the Ontario Human Rights Commission to the Transportation Standards Review Committee regarding the Initial Proposed Transportation Accessibility Standard: <http://www.ohrc.on.ca/en/submission-ontario-human-rights-commission-transportation-standards-review-committee-regarding#sthash.WnMSZ9Ik.dpuf>

⁶ Zrro Project Report 2014, Focus on the Year 2014: Accesibility: <http://zeroproject.org/wp-content/uploads/2013/12/ZERO-PROJECT-REPORT-2014.pdf>

⁷ Zero Project 2014, Focus on the Year 2014: Accessibility, page 7: <http://zeroproject.org/wp-content/uploads/2013/12/ZERO-PROJECT-REPORT-2014.pdf>

The rights and freedoms for those of us with disabilities depend on the ability of the person with a disability to have access to accessible, affordable and sustainable public transportation which includes specialized transportation:

- Saying that there are equal employment opportunities is useless if people with disabilities can't get to work using accessible, affordable and sustainable transportation.
- Saying that education is a right or freedom is useless if people with disabilities can't get to schools using accessible, affordable and sustainable transportation.
- Having the right and freedom to attend social recreational or religious activities is useless if people with disabilities can't attend them using accessible, affordable and sustainable transportation.
- Saying that people with disabilities have the right to access goods and services is useless if there is no accessible, affordable and sustainable transportation.
- Having the right to vote is useless if we can't get to voting stations using accessible, affordable and sustainable transportation.

This is especially true for those of us living in rural municipalities where specialized transportation services are often provided and contracted for using taxi or limousine/car for hire companies. Research has shown that this type of specialized transportation service is the most efficient and cost effective for rural municipalities.

“Taxis tend to be a much cheaper and more flexible mode of providing accessible or door-to-door service than are vans, especially in small towns and rural areas, although they are not appropriate for all persons with disabilities.⁸”

What we asked for and need is educational intervention from the Accessibility Directorate of Ontario and on the ground assistance in guiding municipalities and organizations toward implementing the AODA and not condoning these types of systemic attitudinal, institutional and environmental attitudes of discrimination and actions by using a “hands-off” approach to violations of the provincial law.

We need educational and marketing ads to promote the AODA and the inclusion of people with disabilities in our communities.

We need real consequences for noncompliance and violations of the provincial legislation.

We need enforcement of the existing legislation and the development of further standards.

⁸ Ontario Human Rights Commission, Consultation on Disability and Public Transportation: <http://www.ohrc.on.ca/en/consultation-report-human-rights-and-public-transit-services-ontario?page=ConsultPubTransit2-PARATRAN.html>

Those of us with disabilities need a positive and functioning working relationship with the Accessibility Directorate of Ontario to identify noncompliance, assist with intervention and education and to be the primary participants in determining legislation around accessibility and inclusion.

We need “nothing about us without us” to be the working framework toward inclusion.

AODA in Ombudsman jurisdiction

Even if those of us with disabilities had a working relationship with the Accessibility Directorate of Ontario, there needs to be an independent investigative mechanism for noncompliance and violations of the AODA. This should not be the Accessibility Directorate of Ontario. This needs to be an independent entity with full investigative power.

We need the AODA to be included in the Ombudsman’s jurisdiction so that violations can be investigated independently and those of us with disabilities have somewhere to identify possible violations.

The AODA and its subsequent standards cover all aspects of our lives and therefore crosses all boundaries of jurisdiction. It is critical that municipalities, universities, school boards and health care/long term care facilities are included in the Ombudsman’s ability to investigate noncompliance and violation of the AODA; and, working with the AODA enforcement framework, assign fines and consequences. It is clear that the [Accessibility Directorate of Ontario is not equipped](#)⁹ to do this and appears to be bound by bureaucracy.

Again using the case study of the municipality avoiding implementing the AODA as an example, decisions about the future of specialized transportation service were being made outside of regular meetings excluding committee members. This is covered under the Sunshine law as “informal meetings” with only some members of a committee. For municipalities, which are not currently under the jurisdiction of the Ombudsman’s investigative powers, we should have been able to apply for a LAS investigation.

We did ask for the form to fill out for a LAS investigation but were turned down by the County Clerk who stated in an e-mail that the LAS investigations were only for In Camera meetings.

Upon contacting the lawyer who is the legal counsel for any LAS investigations for the municipality, they felt that this was an issue that had merit to be explored. But we had to get the form from the County and were unable to do so.

After contacting the Ontario Municipal Board and the Association of Municipalities of Ontario, it was clear that there was no one who could investigate the conduct of the municipality and the decisions being made outside of normal meetings.

⁹ Toronto Star article outlining that government had an enforcement framework and failed to implement it: <http://www.aodaalliance.org/strong-effective-aoda/02202014.asp>

It appeared that the democratic process was being bypassed, those of us with disabilities had nowhere to turn for support or to get help for our municipality. There was no one who was able or willing to investigate this possibility.

Some of us did find Councilors and Accessibility Advisory Committee members from other municipalities that were willing to come and help our municipality with understanding that the AODA was law, but staff and elected officials did not take advantage of these contacts and offers of assistance.

In October of 2012, a representative from the Accessibility Directorate of Ontario came to make a short 10 minute presentation as a delegation to the Community Services Committee. After reinforcing everything that community members of the dissolved ad hoc specialized transportation service committee had been stating and providing evidence of for the past months, one question was asked of the ACCESSIBILITY DIRECTORATE OF ONTARIO representative. "Is there a law that says we have to provide this service?" The response was no, however there are human rights laws and that Councilors should think carefully about attempting to eliminate specialized transportation service. The result is the following statement in a recommendation to Council to claw back specialized transportation and an attempt to restrict access and the ability to go where we want:

"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;" (November 5 staff report from the County of Brant)

And...

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 staff report from the County of Brant)

These statements after the presentation reinforcing that there is "no law stating that specialized transportation must be provided," and that "this is a gift, done out of the goodness of our hearts...and we can take it away any time we want," have been the driving force for any decisions made about how those of us with disabilities "**are permitted to live**" in the municipality.

The case study of how the municipality has responded to its own lack of management and oversight of the specialized transportation service contract and clear statements indicating

a decisive attempt to avoid AODA compliance represents what can go horribly wrong with AODA “compliance” with the lack of enforcement, education and intervention.

Ontario Human Rights Complaint

In December 2012, after the threat of the elimination of specialized transportation service if a human rights complaint was filed, a human rights complaint application was submitted to the Ontario Human Rights Commission/Tribunal. The complaint was based on the approval by Council of a transportation scheme that violated the Ontario Human Rights Code and the IASR Transportation Standards.

Herein lies the problem with having the Ontario Human Rights Commission/Tribunal attempting to resolve AODA based complaints.

1. The lawyer charged with interviewing the complainant did not know anything about the AODA or the IASR except that they are law.
2. The lawyer was under the misconception that a specialized transportation service could only exist if there was a conventional transportation service.
3. The application and complaint process ended in January 2013 when the Council changed its mind and reversed its approval of the transportation scheme.
4. This left people with disabilities in the municipality at the point at which this started: with open defiance of the AODA and nowhere to turn for help.

This has been the situation during the entire two year struggle for specialized transportation service and adherence to all AODA, Customer Service and Integrated Accessibility Standards Regulations. The Accessibility Advisory Committee and Council approve something only to rescind it and discuss it again then claw back service in a different way.

Council, and now the Accessibility Advisory committee, approve violations, Council and/or the Accessibility Advisory Committee reverse their approval and, in the background, noncompliance and violations continue without transparency.

Additionally, as mentioned, a person can only submit an Ontario Human Rights complaint application identifying noncompliance and violation of the AODA if they have direct experience with the discrimination. The only other way to submit a complaint is to get signatures from all people with disabilities in the municipality. Even in urban areas, those of us with disabilities don’t “know each other” and are often not connected or networked. This is why we need an independent investigative body for AODA.

Problems with self-reporting

Self-reporting allows those organizations and municipalities not believing that the AODA is a real law to avoid accountability.

The [Accessibility Plan for the municipality](#)¹⁰ submitted January 1, 2013 (there isn't one on the website for the accessibility plan to be submitted January 1, 2014) does not have any information on the compliance for the Information Communication standards, the Employment standards, the Transportation standards (for specialized transportation service/para transit), and instead talks about how willing the Accessibility Advisory Committee is to participate in professional development, meet with the community and has reviewed site plans and made improvements to local parks.

- The published Accessibility Plan for the municipality is not a detailed multi-year plan but is, rather, a summary of the activities of 2012 or 2013.
- There is no schedule for implementing specific sections of the AODA or IASR in the 2013 Accessibility Plan for the municipality.
- There is no multi-year Accessibility Plan by the current service provider of specialized transportation services ("Subsidized Transportation Service").
- There is no status report on the progress toward complying with the AODA and its subsequent standards on the municipality's web site.

There is no oversight of the self-reporting mechanism. There is no template that must be used to ensure that all aspects of the AODA and the Integrated Accessibility Standards as well as the Customer Service standards are being developed, planned for or implemented.

While it is true that the municipality of the case study was audited in the summer of 2012, the audit was a snapshot of what was in place at that time. It did not reflect the systemic barriers that were being discussed and the attempts to "get rid" of the AODA. The audit can best be described as superficial.

The audit process saw, at that moment in time, that the municipality had a functioning specialized transportation service that in many aspects surpassed the IASR standards to that date.

What the audit did not reflect was the ongoing struggle by those of us with disabilities to retain specialized transportation and the systemic discrimination being experienced.

Those of us with disabilities were constantly being told that "if you don't approve this recommendation, the service will stop," "many Councilors don't see the need for this and want it stopped," and on December 3, 2012, the 20th annual UN Day of Persons with

¹⁰ County of Brant Accessibility Plan 2013:
http://www.brant.ca/ourcounty/accessibility/Annual_Accessibility_Plan_2013_FINAL.pdf

Disabilities, we were told “if a human rights complaint is filed, the service will stop. We were also being told repeatedly that “this (specialized transportation service) is a gift, done out of the goodness of our hearts and we can take it away any time we want.”

The “recommendations” put forward by staff would have violated the Ontario Human Rights Code, the Canadian Charter of Rights and Freedoms and the Accessibility for Ontarians with Disabilities Act along with the UN convention on the Rights of People with Disabilities (detailed information of which was provided repeatedly to the municipality).

None of this and other events related to the specialized transportation service, despite the Accessibility Directorate of Ontario having daily and weekly updates and requests for help, was reflected in the audit.

This is a huge problem with determining compliance and possible violations of the AODA. Audits MUST consider the current and future plans of organizations and municipalities.

Lack of enforcement

Currently there are no consequences if a municipality or organization acts on statements such as “AODA is not a real law” or “if we call it subsidized transportation instead of specialized transportation, we can get rid of AODA.”

Many municipalities and organizations will just wait until 2025 so that “this ends.” Many organizations and municipalities are not hiding these attitudes. There is no need to, there is no enforcement of the AODA standards.

The lack of an enforcement framework was clearly identified in the [first review of the AODA in 2010](#)¹¹. It is disheartening to know that an [enforcement framework existed in May of 2012](#)¹² but was not implemented. This could have helped those of us in the County and in organizations and municipalities in Ontario ensure that there is compliance with the AODA and its subsequent standards.

Instead, the lack of enforcement has only served to encourage and condone noncompliance and violations of the AODA and its subsequent standards as well as human rights.

How is this attitude of noncompliance going to be reined in toward inclusion and compliance when it has gone on for so long unchecked?

As we move to the standards that are to be in effect by January 1, 2015, 2016 and 2017, there are no discussions as to how to implement them, no discussions about budgets and funding, no collaboration with those of us with disabilities and no place to easily find any

¹¹ Report of the Independent Review of the Accessibility for Ontarians with Disabilities Act, 2005: http://www.mcass.gov.on.ca/en/mcass/publications/accessibility/charles_beer/what_review_heard_implementation.aspx

¹² Toronto Star article identifying briefing note of 2012 on enforcement framework: http://www.thestar.com/news/gta/2014/02/20/ontario_vows_to_enforce_accessibility_law.html#

status reports on what has been complied with and what is outstanding in our municipality.

Lack of Training

The Accessibility Advisory Committee for the municipality is ineffective and appears not to understand that they are mandated by the AODA to advise the County on implementing the AODA.

Initially I was going to recommend that members of the Accessibility Advisory Committees be educated on their role and responsibilities under AODA, 2005. However, article 7 of the Integrated Accessibility Standards Regulations appears to cover this gap between AAC members and their knowledge of all aspects of the AODA and its subsequent standards. It also seems to imply that staff and Council are to be educated on the AODA and the Ontario Human Rights Code.

Pointing to the [Review of the AODA in 2010, the Charles Beer Report](#),¹³ strengthening the relationship between the Accessibility Directorate of Ontario and the municipal Accessibility Advisory Committees was one of the issues identified.

As a former member of the County of Brant Accessibility Advisory Committee, there was no training on why the committee existed or what we were supposed to do. Mostly we had half hour to forty-five minute meetings that went down the agenda template and ended. In our municipality this is still the content of AAC meetings.

When those of us with disabilities faced the real possibility of losing specialized transportation service scheduled to happen as of June 1, 2012, I quickly learned about the responsibility that the Accessibility Advisory Committee has toward people with disabilities in our communities in advising and making recommendations toward the implementation of the AODA. I quickly learned about the Ontario Human Rights Code, the duty to accommodate, the undue hardships standards, the Canadian Charter of Rights and Freedoms and the UN convention on the Rights of People with Disabilities as well as the OHRC conflicting human rights framework.

This was after serving on the Accessibility Advisory Committee for 3 or 4 years.

There is no indication in the accessibility plan 2013 for the afore mentioned municipality that article 7 of the Integrated Accessibility Standards Regulations has taken place or that there is a plan for continued training on the AODA, Customer Service Standards, the Integrated Accessibility Standards Regulations and the Ontario Human Rights Code. Based on the actions and decisions by the Accessibility Advisory Committee, it appears that none of the members have received training specific to article 7.

¹³ Accessibility for Ontarians with Disabilities Act, 2005: 2010 Annual Report:
http://www.mcass.gov.on.ca/en/mcass/publications/accessibility/aodareport2010/aoda_review.aspx

Article 7 of the IASR does not indicate where this training is to come from and who is to provide it. Given the systemic noncompliance environment in the municipality of the case study, it is not surprising that members of the Accessibility Advisory Committee have not received training on their role in AODA compliance, their relationship to Council, and their obligation to represent the broad range of people with disabilities in their community.

Given the attitude that “AODA is not a real law,” It is also not surprising that staff and elected officials are not represented in the Accessibility Plan as having had and continuing to have, training on the AODA and its subsequent standards, the Ontario Human Rights Code or the Convention on the Rights of People with Disabilities which can be used to further clarify articles in the AODA.

We need to consider, moving forward, consequences for Accessibility Advisory Committees who fail at advising and making recommendations that support inclusion and result in noncompliance with human rights laws and the AODA. This is especially true if the Accessibility Advisory Committee has received training on its mandate and supportive information from community members.

If an Accessibility Advisory Committee supports and recommends implementations contrary to the human rights code and the AODA, is it and its members equally “legally” responsible when a human rights complaint is filed and verified? Accessibility Advisory Committees have a serious responsibility and must also be held accountable for decisions that support the violation of the Ontario Human Rights Code, AODA articles and subsequent AODA standards.

Need for clear language in AODA

In the case study of the municipality whose position is that “AODA is not a real law,” language in the AODA and its standards needs to be clear so that this type of “confusion” is not prevalent or the “default.”

Again, pointing to the case study as to what can go horribly wrong, up until November of 2012 the ACCESSIBILITY ADVISORY COMMITTEE reported and made recommendations directly to Council.

The committee supporting the elimination of specialized transportation service was the Community Services Committee.

The ACCESSIBILITY ADVISORY COMMITTEE members wrote a formal report to Council with recommendations and the identification of the systemic discrimination existing in the municipality among decision makers.

The report and the recommendations were sent to Community Services rather than Council. At Community Services they were “accepted as information only” and were therefore buried in the minutes. The report did not reach Council until it was submitted with a letter to Council outlining the part of the AODA 2005 stating that the ACCESSIBILITY

ADVISORY COMMITTEE reports and advises Council, not a sub-committee of Council. The formal report and recommendations were relegated to obscurity. (Appendix B)

Those of us involved in drafting and approving the formal report did not know this until someone asked where it was in Council minutes. It was only then that members of the Accessibility Advisory Committee found out that the formal report had been diverted and relegated as “information only.”

There must be a clear identification that an ACCESSIBILITY ADVISORY COMMITTEE works directly with Council (and I would suggest the Chief Administrative Officer) because the accessibility standards cover all topics of sub-committees and only some Councilors sit on some committees. Enforcing the direct communication and relationship between the ACCESSIBILITY ADVISORY COMMITTEE, Council and a CAO ensures that there is a top down approach to implementing the accessibility standards. It also helps to ensure that recommendations, reports and identification of noncompliance don't get buried in smaller sub-committee minutes or procedures.

There are other examples of confusing language. While the Transportation Standards have standards that apply to both conventional and specialized transportation, there is the belief that this means that a municipality must have a conventional transportation service in order to have a specialized transportation service.

This is not true. The existence of specialized transportation service is not dependent on the existence of conventional transportation service. Both are considered forms of public transit.

Often in rural municipalities it is the specialized transportation service that is needed and implemented before there are enough people in the rural municipality to have a conventional transportation service.

There are many instances of rural municipalities in Ontario recognizing this and implementing a specialized transportation service. However, the confusing language was used by the municipality in the case study as a bases to attempt to eliminate specialized transportation service.

The [City of Hamilton and others came across the confusing language](#)¹⁴ when it came to concessions for people who are blind or visually disabled traveling on conventional transit. Traditionally people who are blind or visually disabled have not been eligible for specialized transportation because they do not have a mobility disability. The concession of voluntary fares was introduced to recognize the fact that most people who are blind or visually disabled live at or below the poverty line and often cannot afford even standard public transit fare.

¹⁴ Hamilton Council Decision Highlights the need for Clearer Language:
<http://enforcement.aoda.ca/hamilton-council-decision-highlights-the-need-for-clearer-standards-language/>

In an attempt to achieve fare parity, municipalities like Hamilton pointed to the IASR Transportation Standards to make fares mandatory for people who are blind or visually disabled. The standards indicate that a lesser fare can be charged but not a higher fare than the regular transit fare. However, the language is somewhat hidden in the language of the article on fare parity.

This confusion sparked a [discussion about implementing income base specialized transportation service](#)¹⁵ or public transit (which was also attempted by the municipality in the case study). [Section 11/Constructive Discrimination of the Ontario Human Rights Code](#)¹⁶ prevents the layering of discrimination on a population already protected by the Human Rights Code. Additionally, income based public transit was not discussed in relation to people without disabilities who use public transit.

There is also the case study of [specialized transportation service in Aurora Ontario](#)¹⁷ where an accessible vehicle is arbitrarily called a “limousine” so that exorbitant fares can be charged. This is yet another instance where no education or intervention has occurred. It is another example of how those of us with disabilities are able to identify the barriers and discrimination occurring despite the AODA, with no enforcement or consequences.

The language of the AODA and its subsequent standards needs to be clear and easy to follow...and therefore implement. It also needs to include taxi-based and limousine/car for hire based specialized transportation service in rural areas as a recognized component of public transit/specialized transportation service.

Reform of Ontario education

Education in Ontario must be reformed to include universal design principles for all students and teachers/faculty. We need to start producing graduates that know how to meet the AODA criteria. It should not be up to employers to retrain/re-educate graduates.

In the normative text for the revision of Article 9 of the CRPD, there are clear definitions of inclusion and accommodation.

22. Accessibility is group related, whereas reasonable accommodation is individual related. This means that the duty to provide accessibility is an ex ante duty. That means the State party has the duty to provide accessibility before individual request to enter or use a place or service. State parties need to set accessibility standards which have to be negotiated with organizations of persons with disabilities, and these standards need to be prescribed to service providers, builders, and other relevant stakeholders. Accessibility standards need to be broad and standardized. In

¹⁵ Hamilton turns and “Oops” into a HUGE Mess: <http://enforcement.aoda.ca/hamilton-turns-an-oops-into-a-huge-mess/>

¹⁶ Ontario Human Rights Code, Constructive Discrimination, Section 11: http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90h19_e.htm

¹⁷ Wheelchair Users Pay More for Taxis: <http://www.aoda.ca/wheelchair-users-pay-more-for-taxis/>

addition, in particular cases, when a person with disability has a rare impairment that was not included in the elaboration of the accessibility standards or simply do not use some of modes, methods or means offered to achieve the accessibility (for example, they don't read Braille print), even the application of disability standards may not be sufficient to ensure access for that particular persons with disability. In such cases, reasonable accommodation may apply.¹⁸

23. In contrast, the duty to provide reasonable accommodation is an ex nunc duty, which means from the moment an individual with an impairment needs it in a given situation (work place, school, etc.) in order to enjoy her or his rights on basis of equality in a particular context. Here accessibility standards can be a help or even an indicator but may not be taken as prescriptive. Reasonable accommodation can be used as a mean to ensure accessibility for an individual with disability in a particular situation. Reasonable accommodation seeks to achieve individual justice in the sense that non-discrimination or equality is provided taking the dignity, autonomy and choices of the person into account. Thus, a person with disability, who has a rare impairment might ask for accommodation that falls outside the scope of any accessibility standard. If it has to be provided depends on if it is reasonable and not imposing a disproportionate or undue burden.¹⁹

As first discussed in 2009 in a [discussion paper on the future of education in Ontario as per the AODA](#)²⁰ standards, every deliverable produced by every student or teacher must be created using universal design and the IASR standards for Information Communications. Any tool used in the learning process MUST be accessible. Students with disabilities should not have to ask for reasonable accommodation except in rare cases. Students and teachers with disabilities MUST be included in the learning environment and not accommodated for.

If we do not start integrating the AODA standards into all areas of curriculum and learning, we will produce graduates that are not able to produce deliverables that comply with the AODA and its subsequent standards. Additionally, given the international focus on “making the right real” and creating accessible tourism, accessible digital environments and devices, our graduates will be unemployable in a global market.

Neither people with disabilities nor people without disabilities will be employable upon graduation.

¹⁸ Draft General Comments on Articles 9 and 12 of the CRPD/Particle 9, page 7:

<http://www.ohchr.org/EN/HRBodies/CRPD/Pages/DGCArticles12And9.aspx>

¹⁹ Draft General Comments on Articles 9 and 12 of the CRPD/Article 9, page 7:

<http://www.ohchr.org/EN/HRBodies/CRPD/Pages/DGCArticles12And9.aspx>

²⁰ AODA Inclusive Curriculum Discussion Paper, 2009:

<http://www.karlencommunications.com/adobe/OntarioEducationAndAODA.pdf>

Procurement of textbooks

If the Ministry of Education or an instructor mandates the use of a textbook, the procurement of that textbook should mean that it is accessible and ready for use. It shouldn't be up to the student to request that the text be made accessible.

When a student is given the textbook (primary or secondary education), the student with a disability should have the accessible version at the same time as other students get their textbooks IF the textbook is in print.

If the textbook is in digital format, it should already be accessible to students with disabilities using adaptive technology. This is true for primary, secondary or tertiary levels of education. This also relates to the concept of being included in instead of being accommodated for.

In primary, secondary or tertiary education, any material that students are to use as either main curriculum content, supplemental reading or research resources must be accessible at the moment they are assigned or needed in the learning environment. Procurement processes must include the accessibility of material as must the spontaneous assignment of content.

Any tool used to access educational material such as textbooks must be accessible without request. This includes any viewers used by educational libraries for digital collections, tools, such as Adobe Reader on laptop and mobile devices, any user interfaces provided by textbook publishers or any user interface for any educational material component.

Differently accessible content

If content is accessible, it should not be the responsibility of an organization or municipality to make it "differently accessible."

In terms of budget, we can either create 1 document accessible in 100 formats or we can spend the money making 100 documents accessible. Logically the cost should be toward making more documents accessible rather than making them "differently accessible."

We have the technology to create accessible content for almost everything. Standards are being created for new technology as well as for existing technology/formats.

There is a difference between accessibility and personal preference. If content is created to be accessible, then, in the case of documents, the end-user will be able to save the content into another format or to modify the look and feel of the content as per their preference. As this type of "standard" evolves, the applications for accessing documents will facilitate preferences through the Save As options. Many currently do.

The history is that those of us with disabilities have had to struggle and demand the accessibility of content. For this reason, "alternate format upon request" has meant that personal preferences have been considered "accessible formats."

If we are truly creating accessible content as per the IASR standards, then why is there a need, moving forward, to create differently accessible formats based on preference?

There is the PDF/UA or Universal Access Standard that sets the standard for an accessible PDF document. This is only one ISO standard related to the accessibility of content/documents. The IASR standards have to include these individual document/content standards if the W3C does not. The W3C is only one organization creating standards for accessible content. The International Standards Organization also creates these standards (PDF/UA).

Currently, the IASR uses the WCAG 2.0 guidelines/standard which is HTML based. Web pages are significantly different from word processed, presentation or spreadsheet or PDF content types.

The AODA standards must be able to incorporate up to date standards in all areas it covers.

If we continue to mandate the production of alternate format of accessible content, what is the incentive to create content to be accessible from the start if an organization is going to have to create differently accessible versions of the accessible content?

Information Communication

There is a convergence of barriers approaching those of us with disabilities in Ontario and there does not appear to be any plans to ensure that there are standards or that the alternative is accessible by the time of the convergence.

As of 2014 digitally delivered bill notifications are not accessible. Many use HTML that contain images of text, no Alt Text on images and lead to inaccessible billing information.

In the case of Brant County Power, the digital bill is an untagged PDF document and the website is a nightmare to navigate using adaptive technology.

The convergence will happen when, in five years, Canada Post has completed the elimination of door to door mail delivery.

As we are encouraged to use e-mail bill notification and online payment solutions, we find that these are still quite inaccessible as are the websites used to login and locate billing and statement information.

We should not have to ask for and then wait, often until after the bill due date, for alternate format of personal financial information and billing information. We have the capability and the technology to have this entire process, including any mobile apps, to be completely accessible.

We should not have to approve the sharing of personal information with alternate text production centres.

Yet within five years, we will face a significant barrier to being able to manage our own finances.

How are the standards for Information Communication going to be updated to ensure that within five years, all billing, statement and financial management is completely accessible to those of us with disabilities?

The revision text to Article 9 of the Convention on the Rights of People with Disabilities makes it quite clear that those of us with disabilities must be able to manage our own finances independently.

We can no longer use the excuse that “this is something created through a third party and we have no control over it.” We do have control over it through the procurement process and the legislation as well as the CRPD and human rights law.

The CRPD is, through revision, tightening up the procurement process to ensure access to the same information and goods and services that people without disabilities have.

Will the Information Communication Standards be revised to ensure full access when we no longer have door to door mail delivery and rely more and more on electronic tools and delivery of information?

Changes in Mail Delivery

Given the announcement by Canada Post that within 5 years there will be no more door to door mail delivery, what are the standards to ensure that those of us with disabilities can get our mail?

Will the community mailboxes have Braille, Large print with a good contrast so we can see our mailbox number? Will those of us who use wheelchairs be able to reach our mail without endangering ourselves?

What are the standards for the placement of the community mailboxes? For example, in rural municipalities and older surveys, there is no “island” or boulevard that can be used for mailboxes. Even if there were, how are those of us with disabilities going to safely access mailboxes on island or boulevards? What are the standards to ensure our safety??

What will happen to those of us living in rural municipalities with no conventional or specialized transportation service to go to the community mailboxes?

What are the standards for ensuring that the community mailboxes are accessible in bad weather and who will be responsible to ensure that snow is removed from around them so we can physically get to our mail?

Were people with disabilities even involved in this process? Was the Accessibility Directorate of Ontario?

Although it is a given fact that within 5 years door to door mail delivery will stop, what standards for accessibility of any alternative have been put in place? Shouldn't this have been part of the AODA standards? Everyone could see this coming.

Why aren't there AODA based standards covering this barrier to inclusion and independence?

Employment

The current employment standards simply define accommodation and do not move Ontario toward an environment where people with disabilities know in advance whether the interview/worksites is accessible, whether the software/tools are accessible and what adaptive technology is supported. We need to know before we apply for a position whether we can even get to and access the site and tools in order to perform the duties of the position.

Job posting should provide the following information:

1. The interview and workplace are accessible to the AODA X standards.
2. The software and documents used for the position are accessible to the AODA X standards.
3. The company supports the following adaptive technology: name of screen reader, name of screen magnification, name of voice recognition, name of on-screen keyboard, name of any other adaptive technology supported by the IT department.

Going back to articles 22 and 23 of the Draft General Comments on Article 9 of the CRPD, the focus must be on creating employment environments where accommodation is not the norm but the exception.

Those of us with disabilities shouldn't be faced with applying for a position only to find that, even though we can perform the duties, that the employer has not given any thought to the statement of being an "equal opportunity employer."

Those of us with disabilities should not be spending time in an interview talking about how we are going to do the work with adaptive technology and what adaptive technology we'll need or whether we know if the adaptive technology we need will work with the employer's software/hardware.

We should be spending time in the interview talking about our skills, abilities, experience and what benefits we bring to the table...just like any other potential employee.

Those of us with disabilities are still not able to obtain employment as anyone without a disability can. Those of us who are blind or visually disabled can't respond to a "person wanted" sign in a shop or pharmacy or fast food restaurant. This is true for people using wheelchairs as well. There are a lot of jobs we can do, but the reality is that if we are laid off

or let go or are a recent graduate, the types of work we can do are still quite limited in the grander scheme of things.

It is not that we can't perform the duties, it is the accessibility of the work environment that is still the barrier.

Referring back to the municipal case study, the policy for service animals and guide dogs is that they can "only be used in public areas of the municipality."

This precludes employment by anyone who requires a service animal or guide dog in the municipality.

Noncompliance of the transportation standards and the information communication standards are not the only issue with inclusion in the municipality. The Employment Standards must evolve to create inclusive employment environments rather than depending on one-off accommodations.

Transportation standards ignore rural transportation for people with disabilities

We need an acknowledgement in the transportation standards that specialized transportation will often come before conventional transportation in rural areas. Often this is taxi-based as it is the most cost effective. Clarification that this type of service is considered part of public transit and therefore must meet the AODA requirements is needed.

The Canadian Participation and Activity Limitation Survey (PALS) identifies that most Canadians with disabilities are still living at or below the poverty level. This is confirmed internationally with similar statistics from Europe²¹ and Australia²². It is also confirmed with the report to the United Nations on Canada's progress toward fulfilling the Convention on the Rights of People with Disabilities of 2012:

It is an unfortunate fact of life that significant disparities persist between persons with disabilities and the general population in terms of access to education, employment, housing and other indicators of quality of life. These disparities were extensively documented in the Canadian Human Rights Commission's recent [*Report on Equality Rights of People with Disabilities*](#), published in 2012.

The Commission plans to use the 2012 report in the future as a benchmark against which to monitor improvements in quality of life for persons with disabilities.

²¹ People with disabilities – fighting poverty and social isolation, European Commission on Employment, Social Affairs and Inclusion:

http://ec.europa.eu/employment_social/2010againstpoverty/about/topicofmonth_disability_en.htm

²² Disability Statistics Australia, Disability World: <http://www.disabled-world.com/disability/statistics/disability-statistics-australia.php>

The Commission plans to use the 2012 report in the future as a benchmark against which to monitor improvements in quality of life for persons with disabilities.²³

Ontarians with disabilities living in rural areas can't afford to move to urban areas, nor should they be forced to do so, where the cost of living is often more than remaining where they are. They would be forced to leave their friends, families and communities where they have lived for years or their families have lived for generations.

Again pointing to the case study of a rural municipality that has had specialized transportation for over twenty years, the goal under the AODA and the IASR should be to expand this stream of public transit by giving it full recognition as public transit and not to eliminate it completely. As pointed out in several discussions with Councilors and staff, there is an opportunity to be a leader in this area and to demonstrate a global model of inclusion.

Instead, attempts are still being made to restrict access to travel based on individual perceptions of what "people with disabilities should be **allowed** to do."

In the case study, the current service provider of specialized transportation service has a primary business of providing limousine-like service based on an hourly rate. There is confusion about the difference between the primary business focus and the responsibilities of being a specialized transportation service provider. There is also the rebranding of specialized transportation service to a "subsidized transportation program" with no rules or obligations to provincial law added to the mix.

As a result, the hours of operation for specialized transportation service are limited to those of the primary business, that of the limousine service.

Additionally, because the limousine service does not operate on statutory holidays, neither does specialized transportation service.

Those of us with disabilities who have used the specialized transportation service during its approximately 20 years in the municipality have always been able to use Para transit on statutory holidays. This elimination of service was arbitrarily approved by the Accessibility Advisory Committee without consultation with those of us with disabilities.

In a recent newsletter from the municipality, those of us with disabilities using the specialized transportation service were reminded not to use the specialized transportation unless we "need" to. Specialized transportation service is public transit or public transportation. Those of us with disabilities have a right to use public transit when we "want" to.

²³ Statement by the Canadian Human Rights Commission on Canada's First Report on the Convention on the Rights of People with Disabilities: <http://www.chrc-ccdp.gc.ca/eng/content/20022014-statement-canadian-human-rights-commission-canadas-first-report-under-convention>

The municipality is also in violation of Article 71 of the IASR regarding same day service or the ability to book trips up to 3 hours before the end of the previous day's hours of operation. They have been notified of this through a letter to Council and to the ACCESSIBILITY ADVISORY COMMITTEE. Again, the current service provider appears to be providing specialized transportation service as a financial extension of the primary business rather than as a contract for specialized transportation service which has legal obligations and standards under the IASR and other legislation that must be complied with.

Our hands are tied in having this investigated. One of us with disabilities cannot file a human rights complaint unless all of us sign off on it. If the discrimination does not happen to one of us as an individual, we can't file a human rights complaint. With the Accessibility Directorate of Ontario not willing to enforce the transportation standards or any other part of the AODA, we endure the erosion of our human rights and our ability to move around our community living independent lives.

Recommendations for Transportation Standards/IASR

Moving forward with the Transportation Standards we need:

1. Any contract or provision of specialized transportation service must be identified as a contract for service that is separate from the primary business of the service provider if the primary business is as a taxi or limousine company.
 - a. This is especially true for rural municipalities where the service provider of specialized transportation service is either a taxi or limousine company.
2. There must be clear identification in the standards that rebranding specialized transportation to avoid compliance with AODA and Transportation Standards will result in severe penalties.
3. Any taxi-based or limousine-based provision of specialized transportation service, whether whole or in part, to be recognized as a form of public transit for people with disabilities;
 - a. And therefore covered under the IASR.
4. The goal of having every taxi an accessible taxi by 2025.
 - a. We no longer balk at the procurement of accessible buses; we need to ensure that if a person with a disability calls for a taxi that they will not have to wait an inordinate amount of time for an accessible taxi to become available.
 - b. The City of Toronto is leading this initiative.
5. For taxi-based transportation in general, we need to develop standards to ensure that those of us who are blind, visually disabled or visually disabled and deaf are

able to reliably verify the fare we are told. This means implementing tools such as the [talking fare technology](#)²⁴ currently available in other areas.

6. All conventional and specialized transportation service providers must have an up to date website with information about eligibility including eligibility forms, cancellation policies, the articles of the IASR that apply to the service, the appeals process, fares, feedback/complaints, service delays and so forth.
 - a. One of the major issues with the case study is that no one can find reliable information on what the service is, eligibility forms or anything else related to the specialized transportation service. It is a well-kept secret.
 - b. This will help clarify the distinction between the primary taxi or limousine business and the provision of specialized transportation service.
 - c. Even people with disabilities have no way of finding out about specialized transportation service in the municipality unless they hear about it from someone who is using it. The municipality has approximately 36,000 people of which approximately 3,600 could be eligible for specialized transportation service. Currently there are approximately 450 people using the service with a budget decreased from the 2013 budget by 50,000, cuts to service and no means of providing feedback, complaints or getting up to date information.
7. Social media should be used to identify service delays. Currently Waterloo and Toronto use Twitter to identify problems and “all clear” notifications. In urban and rural municipalities specialized transportation users must have access to up to date information, especially in bad weather, when routes are blocked by accidents, when equipment fails or any other delays in service.
8. Any change to specialized transportation service must involve people with disabilities. As identified in the case study, the ACCESSIBILITY ADVISORY COMMITTEE has not done this with the result being that holiday service was arbitrarily cancelled without telling anyone or consulting with those of us with disabilities.

The Transportation Standards must include forms of public transit in rural areas that are not bus-based but are contracts through local taxi companies or limousine companies. Currently each municipality or company contracted to provide specialized transportation service is writing their own rules, ignoring the IASR and those of us with disabilities are being penalized for remaining in our own homes. We are not being included in our community and we have no recourse.

²⁴ An Innovation for making taxis accessible for the blind: <http://www.wgbh.org/articles/A-Ride-in-a-Cab-Thats-Hacked-for-the-Blind-6635>

As identified in the case study, we are losing the ability to move around our community using accessible and affordable public transit and are falling through the huge crack in the current standards.

We need to begin looking at the limousine industry itself to ensure that as people with disabilities become employed through the Employment Standards, that there are accessible limousines available for business and proms. A person with a disability should not be excluded from this type of transportation because of a disability.

Clearly identify the relationship between layers of human rights law

The entwined relationship between the AODA, the Ontario Human Rights Code and the Ontario Human Rights Commission, the Canadian Charter of Rights and Freedoms, and the Convention on the Rights of People with Disabilities must be clearly laid out. Canada is accountable for implementing the CRPD. Ontario can use the articles in the CRPD and the Incheon Strategy to clarify intent and objectives of various sections of the AODA.

While the AODA embodies the rights present in the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms, Canada ratified the UN convention on the Rights of People with Disabilities in 2010. There was one caveat to the ratification: if Canadian human rights legislation was more stringent than any article of the CRPD, the Canadian legislation takes precedence.

At a time when other countries may be using the CRPD to craft and implement basic human rights laws, Canada and Ontario are in the unique position of being able to use the articles of the CRPD to further clarify existing human rights laws and articles of the AODA.

We must be aware of how other countries and regions are approaching the implementation of the Convention on the Rights of People with Disabilities and incorporate the strengths of those approaches.

For example, the [Incheon Strategy](#)²⁵ which is the strategy developed by the Asia Pacific region and countries toward fulfilling the CRPD has ten goals covering all articles of the CRPD, specific targets for those goals and both core and supplemental indicators of success in achieving those goals.

We have opportunities to learn from each other and learn about protected human rights in our own country and province. AODA does not “stand alone” but is entrenched in human rights and human rights laws/treaties. We need to leverage this relationship for compliance and enforcement. We can no longer pay lip service to accessibility and the inclusion of those of us with disabilities in our own lives and our communities.

²⁵ Incheon Strategy to Make the Right Real:
<http://www.unescap.org/sdd/publications/IncheonStrategy/Incheon-Strategy.pdf>

As Canada is accountable to the United Nations and the global community to ensure that the articles of the Convention on the Rights of People with disabilities are upheld, the issue of providing accessible affordable and sustainable specialized transportation for people with disabilities living in rural areas will become a focus of inclusion. Many of us are asking that transportation and transportation in rural areas be individual articles of the CRPD.

This sector of public transportation must also be clarified in the IASR Transportation Standards.

Provincial Aging at Home Strategy

The [province of Ontario has an Aging at Home Strategy](#)²⁶. This will give people the opportunity to remain in their own homes with supports as they age and develop additional needs for health care. Many people will age and acquire disabilities.

This strategy is another example of how a lack of harmonization and communication is affecting those of us with disabilities in a negative way.

The focus of the Aging at Home Strategy is on assisted health care and being able to bring health care providers into your home.

What the Aging at Home strategy is not addressing is the access to specialized transportation that is affordable and sustainable in rural municipalities. In effect the strategy, without integration with the AODA and its subsequent standards, merely exchanges one “institutionalized setting” for another.

Without the ability to be mobile and visit friends and family, attend social, recreational or religious activities, those of us who age at home will age as prisoners in our own homes, isolated from our community.

There is a lot of information on the Aging at Home websites about health care projects and funding but nothing on public transit in rural communities/specialized transportation services. There is nothing referring to the AODA standard for information communication so that health care records and information are available in an accessible format.

This exemplary disconnect between the AODA, those of us with disabilities, organizations such as the local Health Care Network and the provincial government is yet another illustration of how those of us with disabilities will be excluded from our community.

²⁶ Local Health Care Network, Ontario Aging at Home Strategy:
http://www.lhins.on.ca/page.aspx?id=880&ekmense1=e2f22c9a_72_322_btnlink

Act on problems identified in AODA reviews

The items identified in the previous review are still glaringly present:

- Lack of harmonization
- Associated cost and budgets.
- Lack of training and education.
- Lack of compliance and enforcement.

As well as the disconnect with the Aging at Home Strategy, the perfect illustration of the lack of harmonization and communication among the elements of the AODA is that there is a review of the Customer Service Standards taking place at the same time as this review. In the notice advising us of both reviews it states that if you have comments on Customer Service Standards and they are in the written comments or oral presentation to the Review of the IASR/AODA, those comments will not be shared with the other reviewing committee and vice versa.

Why not? Isn't the goal of these reviews to create a more inclusive community/Ontario?

Even now, everything is done in isolation of each other while we are striving for inclusion. The AODA affects all aspects of our lives and any review process should be able to share information among various reviewing committees.

This is also why we have all other ministries of the provincial government pointing to the Accessibility Directorate of Ontario for anything that comes under the umbrella of AODA. "It's not our problem, it's AODA."

The standards DO affect everyone. We can't promote inclusion while supporting "equal yet separate" in our legislation and in the development of accessibility standards.

Nothing about Us without Us!

Those of us with disabilities must be part of determining the accessibility of our province, our environments and help define our own independence.

When the Convention on the Rights of People with Disabilities was being crafted, it was the first time that those affected by a UN treaty were significantly involved in creating that treaty. As a result, at the 2013 General Assembly of the United Nations, Bin Ki-Moon supported the practice of "nothing about us without us" as he spoke of the over 1 billion people with disabilities around the world.

This must be the case as we move toward a more inclusive and accessible province. Those of us with disabilities have faced the barriers and as demonstrated by the case study of the municipality claiming that AODA is not a real law, still face a loss of dignity, respect and the degradation of our human rights.

Moving forward, any revisions to legislation that affects those of us with disabilities cannot be “about us without us.”

Summary of Recommendations

The following are a summary of recommendations contained in this submission.

1. Harmonize the AODA and its subsequent standards with each other.
2. Create clearer deadlines for the articles of the AODA and its subsequent standards.
3. Align the AODA with the UN Convention on the Rights of People with Disabilities and include the CRPD framework as part of definitions for specific AODA articles.
4. Integrate the idea of clear targets to achieve the AODA standards as well as core and supplemental indicators of success as illustrated in the Incheon Strategy.
5. Make the Right Real!
6. House the independent investigative body for any AODA noncompliance and violations under the Ontario Ombudsman Office.
 - a. Give those of us with disabilities a place to file complaints or grievances regarding noncompliance and violations of the AODA other than the overwhelmed and unprepared Ontario Human Rights Commission/Tribunal.
 - b. This would include any complaints of noncompliance and violation for municipalities, universities, school boards and health care facilities.
 - c. AODA covers every aspect of life in Ontario and any investigative entity must have the power to conduct independent investigations.
7. Create a framework of accountability for Accessibility Advisory Committees that support and act on the noncompliance and violation of human rights laws and the AODA.
 - a. AND enforce that framework!
8. Create a framework of accountability for staff and elected officials of municipalities that support and act upon the noncompliance and violation of human rights laws and the AODA.
 - a. AND enforce that framework!

9. Update the Information Communication standards to reflect ISO standards for individual document formats such as PDF/UA and standards for mobile devices, applications and so forth.
10. Remove from the Information Communication Standards the need to create differently accessible content IF the content has already been created to be accessible.
11. Initiate a reform of the Ontario primary, secondary and tertiary education levels to be inclusive so that graduates do not have to be trained on AODA or global accessibility standards; and,
12. Ensure that students at all levels of education are included in and not accommodated for in education.
13. All of the recommended standards for transportation must be added to the current standards. The rights and freedoms of those of us living in rural municipalities must be included and protected in the AODA.
14. Identify the standards for community mailbox accessibility.
 - a. And enforce them!
15. Integrate the development of an inclusive Ontario with the Aging at Home Strategy and every Ministry in the provincial government.

Core Development Funding Must Include AODA

In comments provided to the UN Second Forum on the Rights of Children with Disabilities²⁷ as part of the UN General Assembly meeting in September 2013, I strongly supported that any core development funding MUST include at least 15% of the funding to ensure that people and children with disabilities are included in any project funding and completion as of January 1, 2015. We need to start ensuring that any projects that are funded are inclusive.

This does not negate funding for specific projects to create an inclusive community for people with disabilities.

If we are serious about creating a model of an inclusive society as well as a functioning inclusive community, we need to include accessibility and universal design into all core funded projects. This too, should be a “standard” until we reach our goals.

²⁷ Karlen Communications, Rights of Children with Disabilities:
<http://www.karlencommunications.com/AODA.html>

Endorsement of the AODA Alliance 9 key points for AODA

Many of the key points being brought forth by the AODA Alliance are represented in this written document. Some are not simply due to the length of this submission.

The [AODA Alliance key points](#)²⁸ moving forward are:

1. Announce and implement a comprehensive ongoing plan to effectively enforce the AODA.
2. Create three new accessibility standards under the AODA to address barriers impeding Ontarians with disabilities in education, health care and residential housing.
3. Ensure that the Ontario Government does not let public money be used to create or perpetuate barriers against people with disabilities.
4. Establish and implement a comprehensive public plan to ensure that the Toronto 2015 Pan/Para Pan American Games leave behind a strong legacy of disability accessibility in the community.
5. Implement a new comprehensive strategy to effectively remove and prevent barriers within the Ontario Government and Ontario public service, and to ensure that the Ontario public service works together on accessibility, not in isolated silos.
6. Mandate a permanent province-wide program to ensure that students in school and people training in key professions, such as architecture, are educated on disability accessibility.
7. Include the accessibility message in public speeches by as many Cabinet ministers as possible.
8. Implement a comprehensive plan, including new legislation, to ensure that municipal and provincial elections are fully accessible to people with disabilities (including secure internet and telephone voting).
9. Generally strengthen the implementation of the AODA to ensure its objectives will be achieved, and to not weaken or reduce any provisions or protections in that legislation or regulations enacted under it, or any Ontario Government policies or practices that aim to achieve its objectives.

²⁸ Sign Up for Public Hearings for Dean Mayo Moran's Independent Review of the Accessibility for Ontarians with Disabilities Act's Implementation and Enforcement in Ottawa, Toronto, London, Thunder Bay and On-Line: <http://www.aoda.ca/sign-up-for-public-hearings-for-dean-mayo-morans-independent-review-of-the-accessibility-for-ontarians-with-disabilities-acts-implementation-and-enforcement-in-ottawa-toronto-london-thunder-b/>

Appendix A: Article 9 of the UN Convention on the Rights of People with Disabilities

Article 9 - Accessibility

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

- a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;
- b) Information, communications and other services, including electronic services and emergency services.

2. States Parties shall also take appropriate measures:

- a) To develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;
- b) To ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;
- c) To provide training for stakeholders on accessibility issues facing persons with disabilities;
- d) To provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;
- e) To provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;
- f) To promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;

- g) To promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;
- h) To promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

From the UN Enable website: <http://www.un.org/disabilities/default.asp?id=269>

Appendix B: Report to Council by the Accessibility Advisory Committee

This formal report to Council by the Accessibility Advisory Committee was diverted to the sub-committee advocating for the rebranding of specialized transportation service to a “subsidized transportation program” in an effort to “get rid of AODA.” It was accepted as an information document only. While it is on the municipal website as part of the meeting minutes, it is so buried that it cannot be found without asking for County Clerk assistance.

BOARD/ADVISORY COMMITTEE REPORT

DATE: November 23, 2012

TO: Mayor and Members
County of Brant Council

FROM: Chair and Members
County of Brant Accessibility Advisory Committee

TOPIC: Specialized Transportation for the County of

Brant RECOMMENDATION:

“THAT the County of Brant Accessibility Advisory Committee RECOMMENDS Council supports and promotes an affordable and sustainable accessible transportation service/ specialized transportation service within the County of Brant for persons with disabilities.”

“THAT the County of Brant Accessibility Advisory Committee RECOMMEND to Council that any adopted specialized transportation service NOT be based on income as this would violate the Ontario Human rights Code and specifically section 11. This would also violate the United Nations Convention on the Rights of People with Disabilities which Canada ratified in 2010, the Canadian Charter of Rights and Freedoms/Human Rights Law and the Accessibility for Ontarians with Disabilities Act.”

“THAT the County of Brant Accessibility Advisory Committee RECOMMENDS that Council SUPPORT the implementation of the eligibility criteria set out in the Integrated Accessibility Standards, Part IV – Transportation and its expansion if necessary, to include all people with disabilities in the tiered eligibility criteria.”

“THAT the County of Brant Accessibility Advisory Committee RECOMMENDS Council direct Staff to complete a local needs analysis of accessible and affordable transportation service/ specialized transportation service for persons with disabilities which would assist in creating an accurate budget and Request For Proposal for a

specialized transportation service funded by the County of Brant.”

“THAT the County of Brant Accessibility Advisory Committee RECOMMENDS Council direct Staff to consult the County of Brant Accessibility Advisory Committee, constituents with disabilities and those who provide supports for persons with disabilities prior to approval or adoption of any Staff recommendation regarding accessible transportation service/ specialized transportation service in the County of Brant.”

“THAT the County of Brant Accessibility Advisory Committee RECOMMENDS that Council and Staff support and implement the Accessibility for Ontarians with Disabilities Act (AODA) and its related Standards, including but not limited to the transportation standards for specialized transportation services.”

BACKGROUND:

Specialized Transportation Services have been available in the County of Brant to persons with disabilities through one service or another since 1995. In 2007, a contract between the County of Brant and Paris Taxi to provide accessible transportation through the County Service Program was signed. This program provided flat fares for persons with disabilities, with the County providing an associated cost which was universal for all rides. On June 1, 2011 the existing contract expired and was extended on a monthly basis.

On May 3, 2012 County of Brant Council voted to restrict access to the Brant County Service. Citing ‘numerous abuses’ it was determined that the service would apply to rides to and from work and medical appointments. When Council members were questioned about grocery shopping and shopping in general the response was ‘if they can afford to go shopping they can afford to pay full fare.’ On June 4, 2012 the Community Services Committee voted to rescind the decision and non-restricted trips continued, and an Ad Hoc Committee for Specialized Transportation was formed. It was noted at the first meeting that Council members that were not assigned to the Committee were present and able to speak, while additional AAC members were not made aware of meeting details.

n Specialized Transportation Committee meetings Staff stated that the County was not required to provide specialized transportation. While the Accessibility for Ontarians with Disabilities Act (AODA) states that because there are no Conventional Busses there is no requirement to provide Specialized Busses it does state that the Municipality has a responsibility to meet with the local Accessibility Advisory Committee (AAC) to discuss the supply and demand of accessible taxi’s by January 1, 2013 and that steps to improve the availability of such vehicles be incorporated into the mandated Municipal Accessibility Plan. This is not the same as providing a specialized transportation service. Though not necessarily required the Accessibility for Ontarians with Disabilities promotes the use of specialized transportation. It was also mentioned by Karen McCall at this time that the Ontario Human Rights Commission contains an element of ‘Duty to Accommodate’, as well as having documents on Specialized Transportation/Para transit. Please see attached for details (Appendix A).

The Specialized Transportation Committee was struck with the purpose of drafting a Request for Proposal (RFP) to seek appropriate services. This never happened. Staff proceeded to discuss and emphasize details similar to the Scrip Program offered in Hamilton Ontario. AAC members feel that this program and those alike would be an unfair comparison as Hamilton and a number of other urban Municipalities in the comparison offer

such programs in addition to accessible conventional transportation.

Staff suggested they would be responsible for eligibility applications and therefore they would be able to eliminate trips interpreted as abuses. The AODA contains a set definition of disability, and it is not up to any Municipality or organization to amend a provincial law. The AODA also states that there should be no restriction on trips.

The County of Brant has been in contract with Paris Taxi since 2007. As such the County has been in breach of the AODA Accessible Customer Service Standard which states that the County is responsible for providing and ensuring their third parties receive and comply with related training. Staff has indicated that no contract will be signed with Taxi companies and any new transportation service will not constitute an 'agreement'. Regardless of wording the companies will still be a third party of the County.

Staff have indicated repeatedly that under any new transportation service, no contract will be signed and therefore there is no "agreement" and the county will not directly operate the vehicles therefore the Transportation Standards contained in the Integrated Accessibility Standards (IAS) will not apply. Under the definition of a specialized transportation service in the IAS and the further clarification under Schedule 1, part 5, as long as the County administers the transportation service for people with disabilities or provides a subsidy, there is an agreement to provide a specialized transportation service no matter what it is called. In the last paragraph of the staff recommendation/report submitted to Community Services at the November 5, 2012 meeting, it is stated that there is a service provider agreement: "Eligibility requirements would be similar to the existing program given that a doctor's note to participate would be required. Staff would provide the user with an identification number upon eligibility and the service provider would submit invoice for payment to the County based on the parameters set out in the subsidized transportation program. Payment will be rendered monthly once invoices are approved by staff through recognition of the user identification number, approval of pick up and drop off address, as well as purpose of trip documentation."

Though there has not been a Specialized Transportation Committee meeting since July 31, 2012 and the Committee was understood to be disbanded, Staff has gone forth with drafting a report that was presented on November 5, 2012. The AAC was given 3 days to read and respond to the report. Given that County documents are not accessible; this is not sufficient time for persons with many types of disabilities (cognitive, visual, physical) and who may use adaptive technologies for interpretation and transcription. It has been noted that the only accessible document that has been distributed has been a report that was distributed on behalf of AAC member, Karen McCall. These requested comments were not to be seen until presentation of the report, which would not have provided an opportunity to be considered by members of the Community Services Committee.

The Staff report recommends one of the three schemes, presented by staff, for adoption by the County of Brant. The proposed scheme indicates that a subsidy will only be provided for medical trips. Eligible persons will have to obtain permission and identification from the County of Brant, and submit receipts for reimbursement on a monthly bases. Reimbursements will be issued for 50% of medical trips up to \$15/ride.

s expressed in the attached responses from members of the AAC many persons with disabilities are on a fixed budget and cannot afford the associated costs (Appendix B). These costs are such that persons without a disability would not experience as they are capable of using any vehicle and could easily travel with family members or friends and are also capable

of safely and easily walking to many essential facilities.

In addition, of the total budget to provide a specialized transportation service of \$100,000, ONLY \$25,000 is to be spent on actually providing service. This dramatic reduction in service was recommended by staff despite the overwhelming data that illustrates that most people with disabilities do not use the specialized transportation service for medical purposes. A significant number of trips are related to living independently and participating in their community. This new transportation scheme, which staff states “meets the needs of the community”, appears not to promote independent living.

The majority of the funding for providing a specialized transportation service, \$75,000, is to be spent on an administrative position. Although this position is currently identified by staff as an Accessibility/AODA Coordinator, the staff recommendation attempts to ignore the AODA and the transportation standards by playing on words, calling it a “subsidized: rather than “specialized” transportation program and by limiting rides to medical trips. It is not clear to the Accessibility Advisory Committee why this position is necessary if the County seems to continually ignore the AODA, the Customer Service Standards and the Integrated Accessibility Standards and deny people with disabilities the right to participate in their community and live independently.

The County of Brant Staff have not implemented a transparent process while determining what form of specialized transportation would best serve people with disabilities and the County of Brant. Until the meeting of November 12, 2012 Staff had not attended any AAC meeting to provide progress updates. Further no concrete data or outside input has ever been presented or seen by the AAC; Staff had determined on July 17, 2012 that there was no prerequisite to complete a needs analysis. Comments from AAC members were not sought prior to drafting of the report; submissions drafted upon report review have been attached in full for consideration (Appendix B). It was only after the presentation of the Specialized Transportation Report on November 5, 2012 that Staff began asking for suggestions from AAC members.

In addition, negative attitudes towards persons with disabilities have been outwardly expressed. Examples include but are not limited to the following statements:

‘If they can afford to go shopping they can afford to pay full fare.’ – initially stated in May 2012

‘If people with disabilities live a distance from where they work or from other services than they should move.’ – repeatedly

‘If the recommendation is not approved, specialized transportation will be stopped.’ – July 17, 2012 and July 31, 2012

Many people do not have real disabilities and abuse the services – repeatedly AODA is not legislation, just suggestions – July 31, 2012

‘...people with disabilities need to budget their money just like everyone else. If they cannot afford luxuries then they should consider moving and changing their lifestyle...’ – August 13, 2012

‘Maybe we should use ambulances – put them in the back and take them that way’ – November 5, 2012

Staff have also been noted to say that if they were to change the title of the service to Subsidized Transportation versus Specialized Transportation and put definitions of eligibility and coupons into a taxi bylaw versus having a contract or creating a Request for Proposal (RFP) that the requirements of the AODA could be avoided. These comments were made in the July 31, 2012 meeting of the Specialized Transportation Committee.

Comments and concerns raised by AAC representatives on the Specialized Transportation Committee were ignored. Minutes were distorted during transcription and posted without approval; when these errors were questioned by AAC representatives, it was them who received reprimanding. It was later stated that the 'wrong community members were chosen for the (Specialized Transportation) Committee.'

All of the above gives the AAC a feeling that decisions have been made disjointedly, and that staff were determined to proceed regardless of outside opinion or findings. It is as a result of such treatment towards the AAC and persons with disabilities that has resulted in the recent resignation of the Chair of the Accessibility Advisory Committee.

The Ontario Human Rights Commission has created and supported documents that indicate that full participation of all individuals in a community is essential. The Consultation Report: Human Rights and Public Transit Services in Ontario has been attached as means of providing additional information (Appendix A). This document illustrates the importance of full inclusion and provides examples of how other Municipalities have overcome the challenges of implementing accessible transportation. It is true that the County no longer provides a form of transportation outside of taxi services; however, it still remains that persons without disabilities still have more options to obtain access to facilities.

In addition to the Ontario Human Rights, the Accessibility for Ontarians with Disabilities Act (AODA) was given Royal Assent in 2005 to assist in providing enhanced accessibility when accessing goods and services. The AODA is based on the principles of: independence, dignity, integration and equality of opportunity.

Five main areas have been the focus of the AODA thus far: Customer Service, Information and Communication, Employment, Transportation and Built Environment. The Customer Service Standard was passed as legislation in 2007 with the Integrated Accessibility Standards following in June 2011. The Integrated Accessibility Standards is comprised of the Information and Communication, Employment and Transportation Standards. In the transportation section of the Standard it does state that those who provide Conventional Transportation can also supply Specialized Transportation and we acknowledge that the County of Brant does not provide Conventional Transportation. However, as noted above it does support the use of specialized transportation. The mandate to consider the four principles of the AODA in the discussion and implementation of accessible access also exists. Information on the AODA can be viewed by visiting www.accesson.ca.

During the November 5, 2012 meeting of the Community Services Committee, AAC members voiced their concerns. A majority vote would allow the AAC and the Specialized Transportation Committee (as whole Committees) time to review the Specialized Transportation Report and draft feedback reports. It was later stated that there would also be a public meeting. There is concern that these meetings are being held too far into the process and that the meetings will serve as means of revealing the new Transportation Service rather than an opportunity to gather input.

STRATEGIC PLAN GUIDANCE:

The Specialized Transportation Services report presented to the Community Services Committee on November 5, 2012 suggested that the recommendation to 'provide a subsidized transportation program to qualified candidates for medical purposes only supports elements of the County of Brant's Strategic Plan. The elements included were:

- a) To ensure our community is healthy, safe and progressive
- b) To ensure high quality service to our community including effective two way communications.

As noted in the attached feedback from the County of Brant Accessibility members the proposed scheme does not support either of these elements and actually works against the achievement of these goals in the following ways: jobs will be lost which will impact the economy and local businesses, lack of socialization leads to mental health and self-confidence issues, there are many important aspects people have to be involved in to maintain a healthy lifestyle, elimination of feasible ways of escaping emergency situations will put people at additional risk and the promotes the inability to obtain basic needs for survival such as food and clothing.

None of the recommendations from County staff included the exploration of the idea of not subsidizing trips that are \$7 or less and subsidizing trips of longer distance (housed under a specialized transportation service) or implementing zone based subsidization of trips, or funding alternatives or any other sustainable specialized transportation service that meets the needs of people with disabilities.

Finally, the proposed scheme promotes a segregated community that discourages participation from all citizens. This alone proves that the County of Brant is not striving for a progressive community.

Discontinuing a specialized transportation service option that has been a constant in the community for years does not constitute 'providing a high quality of service'. Additionally, implementing a scheme with less than a month's notice to the public, especially persons with disabilities does not allow a reasonable or responsible timeframe for individuals who are dependent on the service to adjust to being denied access to goods and services and living independently.

ANALYSIS

- Human Rights Commission contains requirements of 'Duty to Accommodate' and the provision of transportation
- The Accessibility for Ontarians with Disabilities (AODA) became legislation on June 13, 2005
 - Subsequent standards of the AODA have been passed as legislation
 - Accessible Customer Service in 2007
 - Integrated Accessibility Standard which includes Information and Communication, Employment and Transportation

- Staff has ignored the importance of the AODA
 - Staff has tried to diminish the application of the AODA by indicating that if they changed the wording to Subsidized Transportation instead of Specialized Transportation that the AODA would not apply to this situation
- Reduces independence; breaches AODA principle of independence
- People rely on other necessary activities that are not considered medical
- People with disabilities have the right to travel wherever and whenever they want under the Ontario Human rights Code, the Canadian Charter of Rights and Freedoms and the United Nations Convention on the rights of People with disabilities which Canada ratified in 2010.
 - **As well as the Integrated Accessibility Standards, Part IV – Transportation.**
- Indicating the nature of appointments and outings breaches confidentiality and the AODA principal of dignity
- The proposed transportation scheme inhibits and impedes integration
- No needs analysis or other form of statistical research has been completed or presented
- Many of the comparisons made between the County of Brant and other Municipalities are moot, as many of the services in question are offered by municipalities which also operate accessible conventional transit and to municipalities whose programs will have to change to adhere to the IAS transportation standards
- All Specialized Transportation options presented in the initial report are similar
 - Other options and their disqualification were never expressed
- The scheduled implementation date for the new Specialized Transportation Service is January 1, 2013
- People with disabilities will become prisoners in their own homes.
- The County of Brant Accessibility Advisory Committee (AAC) has not been consulted adequately

The County of Brant Accessibility Advisory Committee (AAC) does not support the recommendation to adopt Staff's current recommended transportation scheme

CONCLUSION

Though the County of Brant Accessibility Advisory Committee does not object to inclusive and progressive changes to the County Service Program with specific emphasis on implementation of the Integrated Accessibility Standards, Part IV – Transportation Standard, it is felt that the proposed scheme would hinder the community as a whole. A needs analysis of and consultation with persons with disabilities within the County of Brant is required to consider changes that could benefit all parties. A transparent process is needed to create a fair interpretation of what services are required.

The County has not diligently sought alternate funding or explored funding options such as creating a non-profit specialized transportation service model as several other rural municipalities are. The budget for the current specialized transportation service has not grown with the number of participants over the life of the contract even though the contract states that the service provider is to "book as many trips as possible." The specialized transportation service must be sustainable AND meet the Integrated Accessibility Standards

AND the needs of ALL people with disabilities. No concerted effort on the part of the County has been done in the area of funding. An arbitrary amount of \$100,000 has been established and appears to be the budgeted amount for the conceivable future which is unrealistic given the seniors residence being built and the actual number of people with disabilities in the County.

The process and proposed scheme impedes on the four principles of conduct mandated in the AODA: independence, integration, dignity and equality.

Patrick Newstead, Vice Chair
County of Brant Accessibility Advisory Committee

Attachments:

The Consultation Report: Human Rights and Public Transit Services in Ontario

Accessibility Advisory Committee Members Response to the Specialized Transportation Report of November 5, 2012