



Submission to the Honourable David C. Onley

**Third Independent Review of the
Accessibility for Ontarians with Disabilities Act**

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ARCH Disability Law Centre

Tel.: (416) 482-8255 Toll-free: 1-866-482-2724

TTY: (416) 482-1254 Toll-free: 1-866-482-2728

Fax: (416) 482-2981 Toll-free: 1-866-881-2723

www.archdisabilitylaw.ca

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I. About ARCH

ARCH Disability Law Centre is a specialty legal clinic that practices exclusively in disability rights law. ARCH is dedicated to defending and advancing the equality rights, entitlements, fundamental freedoms and inclusion of persons with disabilities in Ontario. In order to carry out its mandate, ARCH provides a range of legal services directly to persons with disabilities across Ontario, including summary advice and referral services. Through this service, ARCH provides basic legal information and summary legal advice on certain disability-related areas of law directly to persons with disabilities. ARCH also represents persons with disabilities and disability rights organizations in precedent setting cases at various provincial and federal tribunals and courts, including the Supreme Court of Canada. ARCH has an extensive law reform practice, working on a variety of initiatives related to advancing the rights of persons with disabilities. ARCH provides public legal education to disability communities, and conducts community development projects to support our law reform work. More information about our work is available on our website: www.archdisabilitylaw.ca ARCH is primarily funded by Legal Aid Ontario, as well as other funding sources.

II. Process Concerns

At the outset, ARCH expresses significant concern with the lack of process followed in this current Review. Very little lead time has been given for public consultations. In at least one case that ARCH is aware of, consultations were cancelled because of low attendance. ARCH has not been able to attend any of the Toronto in-person consultations because of the very short notice given for those meetings. We learned of the October 1, 2018 deadline for submissions on August 24, 2018. The due date was barely more than one month following the announcement. ARCH in a letter dated August 31, 2018 requested an extension of time to ensure that all our communities had sufficient opportunity to participate.

Thus, unlike previous reviews, ARCH has not had an opportunity to consult with our communities specifically regarding this review in any meaningful way. There has been

lack of notice for public meetings, a failure to broadly consult and a short turnaround time for written submissions. Persons with disabilities are not being meaningfully included in this process – one that is central to the success and impact of the *Accessibility for Ontarians with Disabilities Act (AODA)*.

This lack of outreach to those particularly affected by the *AODA* is especially problematic given that this is likely to be the very last Independent Review that can have a proactive and meaningful impact on whether Ontario will be fully accessible by the *AODA* target date of 2025. In our view, by the time a fourth Independent Review will take place, it will be too late to amend the current standards or introduce new standards necessary to ensure accessibility for persons with disabilities.

III. Context

In order for people with disabilities to participate fully in our society, accessibility is not just a necessity, but a cornerstone to full and meaningful inclusion. Employment that is accessible provides persons with disabilities not only with an income and all the individual benefits that this entails, but also strengthens our economy. Transportation that is accessible encourages participation in the community and access to essential services. Accessible customer service means that the provision of goods, services and facilities provide all persons with the same level of information, services and access. If there are obstacles to accessing medical or other health-related services, the health of persons with disabilities is in jeopardy. Meaningful access to an education is the cornerstone of civic responsibility and engagement. Housing without obstacles or barriers is essential for a person's safety, well-being and self-sufficiency.

Just as accessibility removes barriers for persons with disabilities, inaccessibility can contribute to the isolation and poverty of an individual. Persons with disabilities continue to face significant barriers in all facets of their lives.

Thus the importance of effective implementation and enforcement of the *AODA* cannot be understated. ARCH provided submissions to both the first and second independent reviews of the *AODA*. ARCH conducted community consultations which informed our written and oral submissions during those processes. In addition, ARCH has commented on **every** standard that has been opened for public comment. We urge this Reviewer to consider **all** of our submissions, and those written in collaboration with the *AODA* Alliance. (endnote 1)

IV. Previous Recommendations

The first Independent Review culminated in a final report titled *Charting a Path Forward* which lauded the *AODA* as “groundbreaking legislation” and spoke of the promise of an inclusive society that turned legal rights into everyday practical realities. (endnote 2) However, it had already been noted that momentum had been lost since the passage of the *AODA*. Ontario has not moved much closer to its goal of full accessibility for persons with disabilities by 2025.

The second Independent Review resulted in a thorough evaluation of the progress of the *AODA* and relevant standards, and the recommendations built on those made within the first Report. (endnote 3)

V. ARCH Recommendations

In light of the above, and of the procedural limitations for ARCH to meaningfully consult, the following recommendations are made. These are not intended to be exhaustive. ARCH again urges that its previous submissions to the past two Independent Reviewers, and its submissions on the *AODA* and standards be reviewed as part of our submission.

ARCH therefore recommends the following:

Recommendation 1:

That the due date for written submissions and public hearings be extended to March 31, 2019. This will give persons with disabilities and the organizations that support them adequate time to participate in public hearings or to actively and meaningfully consult with their communities.

Recommendation 2:

That a recommendation be made by this Reviewer to immediately resume the work of Standard Development Committees, including the development of new standards.

Recommendation 3:

That a recommendation be made by this Reviewer to Government to publicly recommit to ensuring that Ontario will be fully accessible to persons with disabilities by 2025.

Recommendation 4:

That a recommendation be made by this Reviewer to initiate a process that will review the consistency and harmonization of all standards, and where inconsistencies exist, that clarity be provided to ensure the highest level of accessibility.

Recommendation 5:

That a recommendation be made by this Reviewer that measures be taken, including appointing a sufficient number of Inspectors, to improve monitoring, compliance and enforcement of the *AODA*.

Recommendation 6:

That this current review consider recommendations from the previous Reviewers and examine implementation of their recommendations, as well as consider the obligations pursuant to the *Convention on the Rights of Persons with Disabilities*, and implications to the *AODA* of the forthcoming federal accessibility legislation.

ENDNOTES:

1: All of ARCH's submissions are available electronically at www.archdisabilitylaw.ca

2: Charles Beer, *Charting a Path Forward: Report of the Independent Review of the Accessibility for Ontarians with Disabilities Act*, (Toronto: Ministry of Community and Social Services, 2010).

3: Mayo Moran, *Second Legislative Review of the Accessibility for Ontarians with Disabilities Act, 2005*, (Toronto: Accessibility Directorate of Ontario, 2014).