

# The Advocate

A GOVERNMENT AFFAIRS ADVISORY

Available In Audio Format at [www.warrensworld.ca](http://www.warrensworld.ca) March 2007



## Accessibility Brick by Brick

Helping  
Canada  
Become  
Inclusive

Update on  
U.N. Treaty  
See Page 13

This composite mosaic, an original piece of art, was designed by Neil Prime-Coote. The image is comprised of more than 2,000 individual photographs (bricks) that document the work and experiences of the Warren's World crew over the past year.

# Brick By Brick

## The Advocate A GOVERNMENT AFFAIRS ADVISORY

A little more than a year ago we introduced you to The Advocate, a Government Affairs Advisory of March of Dimes, the newest kid on the advocacy block. Soon thereafter, Canadians would be taken and fascinated by another new kid on the advocacy block,

Warren Rupnarain, the inveterate passion-pow-erhouse that would slowly start changing some of the ways in which advocacy is conducted and public policy changed.

The inaugural edition of The Advocate in 2005 was the starting point and launching pad for what has come to be known as Warren's World. And one year later, policy landscapes are changing, opinions are changing, and Canada's leaders are starting to take notice. Warren Rupnarain of Warren's World has helped make accessibility something "cool". Accessibility Rocks, indeed.

Here, in this first year anniversary edition, we pay homage and give thanks to all the volunteers, contributors, donors, sponsors and partners who have helped us work towards building a fully inclusive Canada. We're thrilled that all of you joined us on this journey.

Hey, if you thought 2006 was fun, you ain't seen nothing yet! You'll be seeing us soon in a community near you.

Steven Christianson  
Manager, Government Relations & Advocacy



## An All-Party Celebration

On Monday October 30, MPP Deb Matthews, Parliamentary Assistant to the Minister of Community & Social Services, hosted the "Celebration of Accessibility" to recognize the 55th anniversary of March of Dimes and the contributions of the advocacy machine, Warren's World. The special occasion was held in the Legislative Dining Room at Queen's Park. Nearly one-third of the Legislative Assembly (MPPs from all parties) joined to celebrate, together with several dozen friends, donors, partners and contributors of March of Dimes and Warren's World. Special thanks go to Hon. Madeleine Meilleur, Minister of Community & Social Services for her warm notes of congratulation, MPP & Parliamentary Assistant Deb Matthews for her inspiration and hospitality, and organizer extraordinaire, Jeff O'Grady for coordinating the logistics for this very special evening.



# Building National Disability Legislation in Canada? No Easy Task

By Neil Prime-Coote, RDG

In 1996 a federal parliamentary task force (the Scott Task Force, as it became known) told Canadians that we need a new law - a Canadians with Disabilities Act.

Ten years later, in 2006, the Conservative Party of Canada included in its election campaign the intention to introduce a National Disability Act (NDA). Platform issue No. 71 states the following: "A Conservative Government would introduce a National Disability Act designed to promote reasonable access to medical care, medical equipment, education, employment, transportation and housing for Canadians with disabilities."

The Conservatives now steer the ship in the nation's capital and the party promise to introduce an NDA is being reviewed, analyzed and dissected in earnest by senior bureaucrats in the Department of Human Resources and Social Development. The behind-the-scenes question in Ottawa these days? Where and how do we begin?

It is an appropriate question, especially considering the fact that not everyone agrees with the premise to establish separate legislation.

Some higher-profile Cabinet Ministers from the then-governing Liberal Party of Canada pointed to the Charter of Rights and Freedoms as the guiding point for Canadians with disabilities. The Hon. Ken Dryden, when running for re-election in the riding of York-Centre, who previously held the position of Minister of Social Development Canada, responded to the Warren's World advocacy crew with the following opinion on whether or not national disability legislation ought to be introduced: "What our approach is, we believe that within the Canadian Charter of Rights and Freedoms there is enough power, enough authority, to do what needs to be done to make a truly inclusive and accessible Canada."

There is merit to this position, and, as Lana Kerzner and David Baker explore in a CCD-published paper ("A Canadians with Disabilities Act?" [www.ccdonline.ca](http://www.ccdonline.ca), May 14, 1999), some disability advocates not only agree, but would possibly oppose moves to establish distinct national disability legislation on the argument that it would ultimately "segregate" or "ghettoize" Canadians who live with a

disability.

The flipside of the argument echoes the Scott Task Force:

*Canadian human rights legislation has not addressed a number of issues of systemic discrimination, that is, discrimination that is the unintended effect of a program, policy or law that otherwise appears to treat everyone equally. Because of this limitation, governments have had to introduce legislative measures such as pay equity and employment equity laws. An additional legislative measure is needed to prevent many of the problems being experienced today from continuing over the coming years. It is time for the Government of Canada to introduce a Canadians with Disabilities Act.*

*A Canadians with Disabilities Act is the complementary measure that can make the rest of the human rights legislation and government structures work for persons with disabilities. It is our assurance that a broad interpretation of their citizenship rights will be applied by the Government of Canada in areas that fall within federal jurisdiction.*

*Because these activities would require a coordinated inter-departmental approach to disability issues, the Act should specify appropriate policy and program support and describe responsibilities.*

Enter one Warren Rupnarain, a 23-year old advocate who uses a motorized wheelchair due to cerebral palsy, and works under the auspicious banner known as "Warren's World", promoting the broader public and political engagement towards building a critical mass of support for national disability legislation. How, in the process, was Rupnarain's "Warren's World" (a March of Dimes advocacy project) able to receive the greatest amount of media coverage on this issue and generate more than half a million web hits from Canadians coast to coast? The message that emphasized the need for national disability legislation resonated with Canadians, whether disabled or not.

Rupnarain and his crew at the March of Dimes in Toronto received scores of media stories on television, national and local newspapers, Canadian and US radio, and dozens of websites. The crew launched one of the most successful websites of its kind, [www.warrensworld.ca](http://www.warrensworld.ca), engaging visitors to encourage the Prime Minister's Office to begin work on the election promise for an Act by casting an "e-vote". More than 10,000 e-votes have been cast to date.

The website also features the more meaty substance, such as an international analysis and comparison of which countries have national legislation of this kind. Thanks to Warren's World, those interested in disability and equity issues will clearly see that Canada is among the very few countries without such legislation.

Where  
and how  
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## There is a thirst, and growing popularity, for the introduction of the National Disability Act (at least the establishment of a consultation group or task force)

There is a thirst, and growing popularity, for the introduction of the National Disability Act (at least the establishment of a consultation group or task force). So was Rupnarain onto something that others in the disability movement didn't know? Or is he merely rowing against the wind, as it were?

"I completely agree with the findings and recommendations of the Scott Task Force," explains Rupnarain. "How can anyone say that we don't need such legislation, that everything is fine? Ghettoization? We need active coordination among the plethora of programs, policies and services, a focal point, an enshrined set of principles that elucidate the foundations of the Charter," says Warren.

There is also the intergovernmental aspect to consider, and the relationship between the provincial governments and the Government of Canada. In this regard, Rupnarain highlights the importance of such legislation as a benchmark and guiding factor to help promote and facilitate ac-

cessibility laws in those provinces and territories where they currently do not exist - especially considering the jurisdictional division of powers and responsibilities.

"But the first step must be where the Government of Canada takes the lead. Creating a barrier-free society is all about nation-building," says Warren.

How likely is it that Canadians will see legislation that resembles the American model, the Americans with Disabilities Act? According to senior policy managers at HRSDC, not very. Many of the areas of jurisdiction that the ADA covers typically fall within provincial jurisdiction in Canada. But that doesn't mean federal-provincial negotiation couldn't find workable solutions wherein costs and/or responsibilities are shared. Legislation such as the Canada Health Act (CHA) provides an interesting model to consider. The CHA sets out the goals of health care delivery in Canada and the overall wellness of Canadians. It even sets out the parameters around which cash contributions are made from the federal government to the provincial governments and the conditions of such contributions.

More to the point, the ultimate goals of the Act would be access to programs and services, with adequate funding, and the identification, removal and prevention of barriers in all aspects of Canadian society. The first point could potentially be achieved through a CHA-style mechanism. The second point is more complicated.

The federal government could proceed with a commitment to achieve barrier-free buildings, workplaces, programs and services within its realm. And while federal jurisdiction is only part of the Canadian landscape, it would certainly represent a national first step forward. With the Government of Canada taking the lead, as it appropriately should, provincial and territorial governments would at least have a model and example to consider when developing their own provincial laws on accessibility.

As of September 2006, the Department of Human Resources and Social Development had only begun assembling the policy levers on national disability legislation (and reviewing the thousands of e-votes submitted to the PMO through Warren's World). The first move, whenever that happens, will be a series of public and/or stakeholder consultations, a slow process, to be sure.

But at least we're beginning to see an advancement of the debate. And what could be negative about that?



# National Committee Hearings Feature March of Dimes Presentation

On June 1, 2006, Dean Allison, MP for Niagara West-Glanbrook and Chair of the Standing Committee on Human Resources, Social Development and the Status of Persons with Disabilities, announced that the Committee would undertake a study on employability issues in Canada. This study would cover a range of subjects including the mobility of workers, seasonal workers, older workers, skilled worker shortages, workplace literacy and the recognition of foreign credentials.

On October 27, the Standing Committee heard from Ontario March of Dimes on a number of employment issues affecting Canadians with disabilities.

Standing Committee Members present at the proceedings included Chair, Dean Allison, France Bonsant, Bonnie Brown and Jean-Claude D'Amours. Peggy Nash served as the Acting Member for Tony Martin.

The following is excerpted from the Minutes of the Standing Committee, as presented by President and CEO, Andria Spindel.

Through Service Canada Employment Programs, the Youth Employment Strategy and the Opportunities Fund, we offer federally funded services across the province from our program for Youth with barriers to employment - in Sioux Lookout in Northeastern Ontario to our comprehensive full Employment Resources Centre in Kingston. In 2005-06, 180 Employment Services staff served 8,118 individuals with 217,237 service hours on a budget of \$22,000,000. Employment Services is Ontario March of Dimes' second largest service with annual expenditures accounting for over 25% of the agency's annual operating budget.

Statistics concerning persons with a disability and employment are well documented. Recently you heard from the Office for Disability Issues that 12.4% of the Canadian population has a disability. Of those individuals who are of working-age only 49% are employed. This is compared to 78% of the working-age population without disabilities. Of persons with a disability who are not working, 32% have indicated that their condition did not completely prevent them from working or from looking for work. This represents a significant untapped labour resource.

As a province-wide provider of employment services for a

diverse number of programs funded at the federal, provincial and municipal level, Ontario March of Dimes would like to comment on three key issues which we believe are fundamental to a comprehensive employment system:

1. system navigation;
2. support to employers; and
3. support to persons with a disability who are not competitively employable.

## **System Navigation**

There is a huge diversity of employment programs for people with disabilities in communities across Ontario. These programs have distinct eligibility criteria and service offerings. In our own offices we see people with disabilities who are not aware of the range of services available to them and/or not accessing programs to which they have a right to participate.

As an example, in 2004/05 290 individuals with a disability entered a job placement program we delivered in a collaborative venture with other non-profit agencies in Toronto. Of these individuals 52% were self-referrals that did not access pre-placement services provided by the federal or provincial governments to which they were eligible.

When asked why they did not access these services, common responses included a lack of knowledge about these programs or a feeling that they could not figure out what program was right for them in their community.

While we are sure that each level of government and individual employment program is providing information to the end-user, it appears this is either not hitting the target or perhaps not in a simple, accessible format. As a result, service providers such as Ontario March of Dimes must assist people to locate, apply and enter into a program or programs. This navigation support is a function for which we have limited resources.

We encourage a partnership among the provinces, territories and the Government of Canada that will clarify and simplify service offerings. We support a unified approach to this issue.

## **Support to Employers**

Throughout the years we have seen employers make great strides in their attitudes, willingness and ability to accommodate individuals with physical limitations and to respond to employment equity requirements. Many employers have moved from hiring because of a corporate social responsibility to viewing persons with physical disabilities as strengthening their corporate resources and capabilities, and in some situations creating a competitive advantage.

Still there are some employers, particularly medium or

small employers, where this is not the case. In addition, where the disability is hidden (a disorder such as epilepsy or a psychiatric condition) that progress has not been as evident. Over the past number of years there have been numerous opportunities, facilitated by government, that allowed employers to provide input into how they might improve their hiring of individuals with a disability.

From our experience at Ontario March of Dimes these include the following:

- implementing measures that would increase employer awareness and understanding of persons with disabilities – especially those with hidden disabilities;
- implementing measures that would build internal HR capabilities through resource materials and enhancing skills of managers;
- better connecting employers to persons with disabilities;
- reducing costs by providing free expert advice on appropriate accommodations; and
- building partnerships that are aimed at increasing the representation of persons with disabilities between service agencies and educational institutions.

As a service provider we can strive to ensure an individual in our program has a job goal, the ability and willingness to work, and acquires the necessary job skills. Employers must have the tools to hire.

#### Competitively Employable

Many government-funded programs today are outcome-based. The measure of success for these programs is competitive employment. There are individuals who want to participate in meaningful activity but, due to their disability, cannot obtain competitive employment. Although the goal of employment programs is to enhance the economic participation through paid employment, not all can participate in this manner. In many cases a family caregiver must also remove themselves from the workforce to look after the person with a complex disability.

Yet with the increase in outcome-based programs comes the decline of other services that are focused on enhancing the quality of life in other ways. It's not that this funding does not exist; it's just becoming a more rare commodity.

At Ontario March of Dimes we see many people in our Independent Living Program, through our Accessibility Services, and in our Peer Support Groups that cannot work, but they do want to participate in meaningful activity. Often activities such as training to participate in volunteer work or enhancing their ability to achieve independence through a life skills program would enhance an individual's quality of life significantly.



## Editor's Note

It is said that it's the little things in life that bring true appreciation and meaning to any experience. But sometimes those little things can make all the difference between doing and not doing or getting from one point to another.

We all know the mantra in this line of work: disability can affect anyone, at any age, at anytime. But the experience of disability, even a temporary one, brings those words to life in an entirely different way. It's the experience of disability that makes one hear, "Welcome to Warren's World".

Yes, I am temporary resident in Warren's World, the world where the small things make all the difference.

A number of weeks ago I suffered multiple injuries as a result of a fall, a fall that anyone could have taken, at any age, at any time. Sixty seconds breaks the bones and tears the ligaments. That's all it takes. But it takes weeks or months, coupled with physiotherapy, to repair the damage and bring back the mobility.

And during this time one truly does notice and appreciate the little things: those who take that extra four seconds to hold open a door; the delivery guy who notices the crutches and offers to put the groceries into the fridge; the friend who comes over to help clean (am I that untidy?); or the neighbour who insists on taking the time to walk to the pharmacy and get a prescription filled.

These are the amazing things in life, the things that remind us that our opportunities are endless with a little help from our friends.

We strive for independence. But the reality is, it is the interdependence with others that makes us stronger. And this drives to the very heart of advocacy: it's not so much what we say that makes a difference; it's what we actually do.

# Municipal Election Advocacy 2006

Did you know that School Trustees have both the authority and duty to ensure full accessibility for students with disabilities in our public schools? But how many candidates are aware of this responsibility?

During October 2006, Warren's World (a March of Dimes Advocacy Project) surveyed the opinions, knowledge and commitments of each of the 97 registered candidates running for the Toronto District School board on issues of inclusion, accessibility and breaking down barriers for students with disabilities.

This was part of a process of promoting accessibility and determining if candidates would commit to achieving barrier-free schools. March of Dimes and Warren's World emphasize accessibility for people with physical disabilities.

"Toronto District School Trustees hold a key position in creating barrier-free learning spaces and opportunities for students with disabilities," said Warren Rupnarain of Warren's World. "They can and should do something to break down the barriers and build opportunities for all students in Toronto. But, according to our survey, very, very few of these candidates fully understand this responsibility or demonstrate much creativity in breaking down the barriers that exist."

The Ontario Human Rights Code states the following:  
*Every person has a right to equal treatment with respect to services, goods and facilities, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or handicap.*

The Code continues by outlining this right:  
You have the right to be free from discrimination when you receive goods or services, or use facilities. This right applies to:

- schools, universities and colleges;
- public places, amenities and utilities such as recreation centres, public washrooms, malls and parks;
- services and programs provided by municipal and provincial governments, including social assistance and benefits, and public transit;

Furthermore, provincial legislation, the Accessibility for Ontarians with Disabilities Act, requires school boards to annually prepare Accessibility Plans that identify barriers and outline an action plan to remove and prevent barriers to the inclusion and participation of people with disabilities.

With this legal and social obligation, what did the candidates have to say?

- Roughly 75% of all registered candidates for Toronto School Trustee completed the 10-minute survey. One quarter did not respond.

**15% of Toronto's candidates running for School Board said accommodating students with disabilities is "not really" a top priority**

- More than half – 55% -- of the incumbent Trustees on the TDSB did not respond.
- Two-thirds of all candidates who responded stated that they did not have a campaign position or commitment, in either their literature or on their websites, to achieving barrier-free accessibility in Toronto's schools. Ten per cent of respondents said that issues surrounding access for students with disabilities would now be part of their campaigns as a result of the March of Dimes survey.
- 15% of Toronto's candidates running for School Board said accommodating students with disabilities is "not really" a top priority.
- Solidly half of Toronto's candidates stated that they feel the Toronto District School Board is not doing enough to accommodate students, staff and teachers with disabilities.
- When asked if they would earmark a designated Accessibility Budget to upgrade, improve and remove barriers in schools, all candidates said they would do so, with 30% describing such a move as a great idea, if accompanied by the necessary, authorized funding.
- In one question, we informed candidates that there are public schools in Toronto that, due to stairs or other physical barriers, do not facilitate entry for a wheelchair user. In offering their opinions on immediate solutions, not one candidate suggested working with agencies, such as March of Dimes or others, or community businesses to immediately remove and prevent barriers.

The "Toronto Pilot", as we have called it, represents the starting point for a larger, Province-wide initiative that will unfold in the coming months.

# Amending the Ontario Human Rights Code (Bill 107) March of Dimes Presents to the Standing Committee on Justice Policy

Queen's Park - November 23,

On Wednesday October 4, 2006, Warren's World presented a learning discussion and knowledge exchange on Bill 107, called the Ontario Human Rights Exchange Summit.

Bill 107, An Act to Amend the Human Rights Code, proposes significant changes to Ontario's human rights system.

Our summit brought together two-dozen of Ontario's leading experts and advocates in human rights, including Ontario Human Rights Chief Commissioner, Barbara Hall, and Michael Gottheil, Chair of the Human Rights Tribunal of Ontario.

Do we agree that the Human Rights System in Ontario needs reform and improvement. Absolutely. In fact, we think it is safe to say that there is almost universal recognition in the disability community on the need for reform.

Continue to read the complete transcripts of March of Dimes' official presentation to the Standing Committee on Justice Policy.

The Vice-Chair: At this point our first witness today is the Ontario March of Dimes. Could they please come forward. Good morning. You have 30 minutes for your presentation. If you use up the entire 30 minutes, then the members of the standing committee will not have an opportunity to ask questions or make comments, but you are free to use it up in its entirety. So if you would, please state your names for the Hansard record and then proceed.

Ms. Andria Spindel: My name is Andria Spindel and I'm the president and CEO of March of Dimes. With me is --

Mr. Warren Rupnarian: Warren Rupnarian. I'm an advocacy consultant for the March of Dimes.

The Vice-Chair: Please go ahead.

Ms. Spindel: Thank you, Madam Chair, honourable members and fellow presenters.

We have consulted with dozens of groups and consumers, our own stakeholders, as part of the process of becoming as fully informed as possible about the total implications of Bill 107. As some of you might be aware, we hosted one such session on October 4 of this year to hear and learn from a variety of perspectives on how to improve Ontario's human rights system. We agree that the system needs to be improved.

Our mission at Ontario March of Dimes and March of Dimes Canada is to create a society fully inclusive of people with physical disabilities, so our mission is one of recognizing, protecting and advancing what we see as fundamental human rights: the right to secure meaningful employment, housing, health care; the right to access our public school system; the right to access buildings, public spaces, goods and services without barrier or discrimination; the right to participate in and contribute to Ontario's health, wealth and prosperity.

This bill proposes significant changes to the human rights system in Ontario. Prior to the Attorney General's appearance before this committee last Wednesday, November 15, we were concerned about the lack of clarity and definition. We are pleased that most of the areas addressed by Minister Bryant improved or eliminated entire sections of the bill and we await receipt of the improved version for review.

Among the remaining concerns from our perspective are these two:

First, we need to ensure that this bill fully describes and provides for financial support for legal representation. The Attorney General's proposed amendment echoes this concern by eliminating the clause to charge user fees. We strongly encourage further clarity on the budgetary implications that arise from this recommendation.

Second, we want to see any proposed reform to the Ontario Human Rights Commission have the assurance of proper enforcement. We understand that the commission will have an enhanced role in educating people about human rights, and we applaud this. We understand that the legal support centre will provide further assistance to people bringing their concerns and complaints forward. We would like to see more definition about the centre and confirm that the commission will have the potency it needs to monitor and enforce human rights. We noticed on the government's website that the commission is empowered to enforce related legislation, the AODA -- Accessibility for Ontarians with Disabilities Act -- and we support this direction. This act will only be



effective if compliance is assured and enforced. On a further point, as the Attorney General's recent amendments to the bill were only presented before this committee one week ago, we strongly encourage further stakeholder consultation to allow feedback on the soon-to-be-revised bill.

I'd now like to thank you for the opportunity to present and turn to my colleague Warren Rupnarian to provide a bit of insight on Bill 107 from a consumer's perspective.

Mr. Rupnarian: Thank you very much. Just to give you an idea of where I'm coming from, I'd like to tell you all a story about navigation.

This morning, I came here as a result of a Wheel-Trans bus. I told the driver, "I need to be dropped off at Queen's Park." The driver dropped me off at the wrong building. Just to get to this room, I needed assistance navigating through the hallways and the different elevators, for as simple a thing as getting to a meeting. Can you imagine the barriers that would be encountered if I had a human rights complaint? I think that there can never be enough guidance for getting from point A to point B, in particular when someone has a special need. So there needs to be a simplification of the process.

Another issue is the funding aspect. How will those who need funding help access those resources, and who will be eligible?

In closing, I'd just like to say that I would strongly recommend that there be review and consultations on the new changes so that stakeholders can have their voices heard.

The Vice-Chair: Any further comments?

Ms. Spindel: We are happy to take any questions. Otherwise, I think you have a copy of our submission today.

The Vice-Chair: Thank you very much. That leaves about eight minutes for each of the sides. Mrs. Elliott, we'll start the rotation with you.

Mrs. Elliott: We share your concern with respect to the legal support centre. That was one of the reasons why we wanted to see the text of the amendments, so that we would know exactly what the Attorney General proposed. We heard from Ms. Brückmann yesterday -- Mr. Kormos has referred to her testimony -- and you may have appeared at the technical briefing that I understand was held with the Attorney General's staff following the statement by the Attorney General in this committee on November 15. They were told at that time that it hadn't been fully determined, but that for sure not everyone would be receiving legal representation from a lawyer. Yet the Attorney General has said twice in the Legislature

that people will be represented by a lawyer. So I think you're right to be concerned about that. I think we all should be concerned about that if we look at the budgetary implications and how it's actually going to happen, because it sounds really good, but I share your concerns.

Ms. Spindel: I think that is the gist of what we're speaking of.

Mr. Kormos: Welcome back to Queen's Park. Yesterday, some comments prompted the observation -- and I was pleased that Mr. Zimmer expressed a strong interest in the proposition of a select committee here at Queen's Park that would examine issues of access, both physical access to the building and, as importantly, if not more importantly, access to the material that's generated here. Unfortunately, discrimination by white, middle-aged, middle-income people is -- I don't know -- to us what the seal hunt is to Brigitte Bardot. It's true. It's that bleeding-heart liberal, "Oh my, discrimination is bad. Shame, shame. Nobody supports it." Yesterday -- I believe it was yesterday; if not yesterday, it was certainly during the course of these committee hearings -- reference was made to how politely Canadians discriminate. We're oh, so polite as we discriminate against people.

It is regrettable that it appears the commission's role as a prosecutor is going to be eliminated, because I've reached the point in my -- I've been here through the struggles around disability legislation, and I acknowledge and recognize the support that the community of advocates for Ontarians with disabilities had for the most recent Ontarians with Disabilities Act. Of course, there was a strong connection between their support for that bill and the maintenance and strengthening of the Human Rights Commission.

I believe more people should be bringing discrimination complaints against the Legislative Assembly, literally. Unfortunately, the Vaid decision I made reference to -- and it's not resolved. Vaid, of course, is a federal matter regarding the federal Human Rights Code, where the federal Parliament is claiming privilege in response to a claim of discrimination. Vaid was a driver for the Speaker of the House who alleges that he was discriminated against on his dismissal. The federal government has been fighting this tooth and nail -- interim interlocutory matters -- all the way to the Supreme Court of Canada, arguing privilege; that is to say, "We are not subject to the federal Human Rights Code." Pretty Goddamned outrageous.

So I'm concerned about complaints against the province of Ontario in the Legislative Assembly because I fear that the Legislative Assembly would similarly hire high-priced lawyers and use your money to argue privilege -- and I'm not about to trivialize the relevance of privilege.

We have also been referred to the Eldridge decision. It was Gary Malkowski who brought that to our attention

again. I'm not sure that the system proposed is going to facilitate it. I'm not sure that clinic lawyers, legal aid certificate lawyers, are going to be able to take on the province of Ontario and its deep, deep dockets -- to wit, your pockets -- that allow it to pay for huge legal teams.

Physical access to this building, access to written materials for blind people -- for instance, Gary Malkowski was in the chamber the other day and, if not for Laurie Scott, a Conservative MPP who I didn't know knew sign language, but God bless her -- if not for her efforts, Gary wouldn't have been able to hear anything that was going on.

Should a person have to call ahead and say, "I'm deaf, and I'll be at Queen's Park a week from now at exactly 3 p.m."? Should a person have to book ahead to be able to listen to the debate at Queen's Park? I don't think so.

Mr. Rupnarian: I don't think so either. That service should already be there without even asking.

Mr. Kormos: Exactly

Mr. Zimmer: I'm sorry; I didn't hear that.

Mr. Rupnarian: I said, I don't think so. That service should already be there without even asking. It's a human right.

Mr. Kormos: And it could be done as simply as having teletype up in the visitors' gallery, can't it?

Mr. Rupnarian: Sure.

Mr. Kormos: In large enough size -- but for the fact that some people are both deaf and blind, and they have to communicate with tactile communication.

However much I wish that the Legislative Assembly would have its ass hauled before tribunals left and right on issues of discrimination, my fear is that the likelihood of that happening as a result of Bill 107 has diminished significantly.

It was the commission that went to bat for kids with autism. No single parent could have gotten together the incredibly expensive expert evidence -- and again, the government fought tooth and nail -- successive governments, okay? Let's be fair. They fought that litigation tooth and nail, but the parents won at the Human Rights Tribunal because the commission prosecuted, because the commission acquired the expert evidence and because the commission spent the hours and hours that no legal aid certificate -- look what legal aid is already proposing, Mr. Zimmer: putting a cap on

certificates for criminal trials. Aren't they? Yesterday's newspaper: Legal aid is talking about putting a cap on criminal trials.

Mr. Bryant, yesterday, was obsessing with process: "Oh, we have too much process. We're too much process-focused." We heard that from Judge Moldaver the other day, too. That's right-wing talk for "Let's get rid of fairness." Too much process? Well, by God, I believe in process. I believe in process in the criminal system, because it's what makes sure that innocent people don't get convicted, although from time to time innocent people do get convicted, don't they? And I believe in process when it comes to the prosecution of human rights claims, because, by God, I don't want somebody who isn't guilty of discrimination to be found guilty of discrimination, but I don't want somebody who has discriminated to not be identified and stopped in their tracks.

I wish you folks well with the new legislation. I'm worried about it.

The Chair (Mr. Vic Dhillon): Thank you very much. Government side.

Mrs. Maria Van Bommel (Lambton-Kent-Middlesex): I just want to say, thank you very much for coming in this morning. I certainly hope you'll be able to get home very easily. Thank you.

Mr. Rupnarian: Thank you very much.

Ms. Spindel: Mr. Chair, if I could just wrap up with saying that I think what we're looking for is further clarity and definition around the funding mechanism, around the enforcement, and to reiterate what Warren has said, a clear, defined navigational process for this particular legislation, but as he said, also for just general access. The situation this morning was one where he could not navigate around the building, with all good intent. There needs to be more consideration there.

I would like to ask one question, if I could: Will the revised bill with all of the amendments be available for consultation?

Mr. Kormos: It's a fair enough question. Perhaps the parliamentary assistant can answer that.

Mr. Zimmer: I will take that matter under advisement.  
Ms. Spindel: Thank you for your time.

Mr. Kormos: It was a fair question; it wasn't a fair answer, Mr. Zimmer.

The Chair: Thank you very much for your presentation.

# Darts & Laurels

# Darts

## **Toronto Councillor Howard Moscoe goes too far, Toronto Star Editorial, February 14, 2007**

Discussion in recent weeks (and in this edition of The Advocate) has focused on the Province's Accessible Parking Permit Program. As the Toronto Star reports, Councillor Howard Moscoe's solution to the problems with the system is to simply "scrap" the system -- and require people with disabilities to pay the street meter. Scrapping the system is not a solution whatsoever, as it would seriously punish those thousands of valid permit holders. But more to the point. Can someone who requires the use of a wheelchair even reach the meter? We know for a fact that not all can. Warren's World is on the streets everyday. We live it, and we experience it. We need accessibility first!, We humbly suggest to Councillor Moscoe that we ensure total accessibility before suggesting that we eliminate another level of government's program.

## **Feds Cut \$1 billion**

In September, the federal government announced program cuts amounting to upwards of \$1 billion. For months, everyone around Parliament Hill has been trying to determine exactly who is affected and to what degree. There's always room for efficiencies and improvement, but every program recipient and transfer agency should have been made aware with prior notice. If government wants the non-profit sector to operate in a more business-like fashion, then governments have the reciprocal obligation to work in good faith with those organizations that deliver programs and services for the broader public good. More on this later.

## **In the TDSB We Trust**

Or at least we should. As you read earlier in this edition, more than half of the incumbents on the Toronto District School Board did not respond to our March of Dimes' survey on removing and preventing barriers for students with disabilities, conducted during the 2006 municipal election. To the Trustees, not only at the Toronto Board, but all boards, we say this: it is your duty to find the ways and means to accommodate -- even if that means getting creative and "thinking outside the box".

# Laurels

## **Flagging Down Equality**

On October 5th last year, March of Dimes and Co-Op Cabs, with the participation of the Honourable Madeleine Meilleur, Minister of Community and Social Services, inaugurated the launch of the Driving Accessibility campaign. Co-Op is Toronto's first company to offer flagged taxi service at the same rate -- regardless if the patron is disabled or not. This took real leadership, and we encourage all cab companies throughout the province to not only adopt the same policy, but see how much better they can do.

## **Ken Dryden**

This honourable Member was the only candidate in the Liberal Leadership to explicitly embrace disability issues as a part of his platform. This laurel acknowledges Mr. Dryden's commitment to the issues, and we hope to see and hear much more of his passion affecting all MPs, regardless of political party. We also hope his passion will filter into the drive towards the Conservative Party's commitment to introduce a National Disability Act.

## **The PM on the NDA**

He's proceeding with national disability legislation. That's exactly what the Right Honourable Stephen Harper, Prime Minister of Canada, stated in a speech delivered February 7. This is the first time since having been elected that any elected official representing the Government of Canada has reiterated the platform promise from the 2006 federal election. Thank you, Mr. Prime Minister, and we look forward to working with you and your colleagues.

## **A Direct Hit on Compassion**

Some of the mainstays and special souvenir items of Warren's World (lapel pins, Accessibility Rocks, shirts and special edition jackets) were not only conceived, but donated by Bob Burrows of Direct Hit Promotions. We have received tremendous responses about these awareness-raising items. Bob's energy and enthusiasm have helped put Warren's World on the map. Suffice to say, we wouldn't be here if it weren't for you, Bob. On a tender and sad note, we also pay tribute here to Bob's son, Derek, who passed away last summer due to complications associated with cerebral palsy. Although Derek was only 17 years of age, his passion and warmth continue to serve as an inspiration to all us.

# Illegal Use of Accessible Parking Permits

In recent weeks, a number of media stories have explored the topic of the Province's Accessible Parking Permit Program. The focus: Illegal and/or inappropriate use of Accessible Parking Permits and the spaces designated for Accessible Parking. The problem: able-bodied drivers parking in what few Accessible spots exist; permits given for temporary disabilities, that continue to be used by the driver once the injury or disability is gone; continued use of a deceased relative's permit by an able-bodied family member.

It's always popular to blame the government of the day. After all, it's their system, they make the rules, and they hand out the permits.

But is the root of the problem really resting within the purview of government? Or, do Ontarians also have a responsibility to "do the right thing" and abide by the rules that are designed for drivers and passengers who need them?

This was the topic of debate on a February 8th edition of CityTV's CityOnline, the daily live call-in show broadcast from Toronto and hosted by Ann Rohmer. Featured guests on the program included Lana Kerzner, an ARCH Disability Law Centre lawyer, and Warren Rupnarain, Government Relations Advocate at March of Dimes. Ms. Kerzner spoke to issues around legal processes and systems, while Mr. Rupnarain delivered the humanistic and experiential perspective to the live audience.

"These permits are given on the basis of need. If someone wants the privilege of using an Accessible Parking Permit when they don't need one, then perhaps they also want to consider the privilege of having to use a wheelchair for the rest of their lives," Warren explained.

Callers to CityOnline agreed, with an outstanding majority suggesting that drivers using a permit illegally ought to have their licences suspended.

Some callers suggested that increased fines be given to drivers illegally using an Accessible permit or parking in an Accessible space when not permitted to do so.

Warren, in addressing the issue of increased fines, suggested an alternative. "Unfortunately, you can't legislate human decency. Maybe those drivers should be forced to take a one-day sensitivity course, or have to experience the use of a wheelchair for one day," Warren offered. "As for fines, get them way up there so it simply becomes cost-prohibitive to break the law."

"The abuse and illegal use is deplorable," Warren intoned. "Government rules can always be improved, and here they certainly need to be. But if you are using an Accessible Permit when you don't need one, I beg of you, please do the right thing, follow the rules, and return the permit to the Ministry," Warren told callers on the province-wide broadcast.

The Minister of Transportation, Hon. Donna Cansfield, recognizes that "we have a problem", in remarks published in a Toronto Star editorial on February 9th. Appropriately, as the Editorial Board of the Star asks, the question now is what is she going to do about it – and how quickly.



## How to Further Promote Accessibility?

We asked that very question as we prepared our 2007 Pre-Budget Submission to the Ontario Minister of Finance. Among several other recommendations in that Submission (which may be found at [dimes.on.ca](http://dimes.on.ca)), the following two ideas presented to Minister Sorbara's office focused on fiscal matters and government-business relations.

### **Establish an Ontario Accessibility Tax Credit (OATC)**

The Accessibility for Ontarians with Disabilities Act (AODA) sets a number of goals over the next several years, the objective of which is to ultimately create a barrier-free Ontario.

As part of the process of facilitating the prevention and elimination of barriers, and helping recognize the financial costs sometimes associated with this process, Ontario March of Dimes recommends the use of a tax credit (or similar fiscal measure) to promote and stimulate the objectives of the AODA.

An OATC would be particularly useful for Ontario's small business communities, many of whom in the experience of Ontario March of Dimes truly want to help advance accessibility in Ontario.

### **Establish an Ontario Accessibility Bond (OAB)**

An alternative way of possibly stimulating revenue for accessibility in Ontario could be through the establishment of an Ontario Accessibility Bond.

The Province of Ontario would provide for the public issuance of an unspecified amount of general obligation bonds, the proceeds of which would be used for the purpose of funding improvements to various accessibility initiatives in order to improve accessibility of those systems to persons with disabilities.

Such bonds would generate competitive investment yields for the buying public, and be subject to attractive tax reducing measures similar to other government bonds.

## Warren's World Making A Difference!

It's taken well over a year of advocacy, massive email campaigns, letter-writing, in-person meetings and video podcasts, but we're beginning to see signs that the work is paying off. In his annual address on Tuesday February 7, Prime Minister Harper told Canadians that his government would make good on its commitment for national disability legislation: "We will also move forward with new legislation, the Canadians with Disabilities Act," the Prime Minister said.

"I feel overjoyed that we can contribute to advancing the inclusion of people with disabilities," says Warren Rupnarain of Warren's World. "But this is only the beginning, as there is much more to do."



**Want to help or join  
Warren's World, a  
March of Dimes  
Advocacy Project?**

Be part of our growing national experience by contacting us at [theadvocate@dimes.on.ca](mailto:theadvocate@dimes.on.ca)

# The United Nations to Celebrate Convention on the Rights of Disabled Persons

The Convention on the Rights of Disabled Persons is ready for international signing, beginning on March 30th at UN Headquarters in New York City.

The Convention represents years in the making. In many ways the thinking behind this treaty goes back to the International Year of the Disabled Person in 1981 and Canada's Special Parliamentary Report, Obstacles, in that same year.

More significantly, this is the first international human rights treaty to be signed in the 21st century. The treaty will directly affect the lives of more than 650 million people worldwide. For Warren's World, this is incredibly meaningful.

The principles of the Convention on the Rights of Disabled Persons include the following:

- \* Respect for the inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of person;
- \* Non-discrimination
- \* Full and effective participation and inclusion in society
- \* Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity
- \* Equality of opportunity
- \* Accessibility
- \* Equality between men and women
- \* Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

Those countries that sign the Convention will ultimately have to enact laws and other measures to improve disability rights and also agree to eliminate legislation, customs and practices that discriminate against people with disabilities.

The logic underpinning the construction of this treaty embraces a significant international paradigm shift, in that welfare and charity should be replaced by new rights and freedoms.

Given the economic, social and cultural differences across the world, it will be some years before the minimum standards set out in the convention will be universally applied.

But for international rights advocates, March 30th will certainly be seen as a welcome first step.



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