



Citizens With Disabilities – Ontario

www.cwdo.org

“Together We Are Stronger”

15 Gage Avenue, Toronto, ON M1J 1T1
807-473-0909 (voice) or cwdo@tbaytel.net

September 15, 2022

To: **Hon. Doug Ford, Premier**

Via Email: doug.ford@ontariopc.com

Room 281, Legislative Building

Queen's Park

Toronto, ON M7A 1A1

Subject: Accessibility Priorities

Dear Premier Ford,

Congratulation on your government's recent re-election victory. We wish you success in your new term of office.

Citizens With Disabilities - Ontario (CWDO) is pleased to contact you regarding your government's proposed legislation, policies and related actions which will help our members to survive and thrive while living in Ontario. CWDO is a provincial, cross-disability organization committed to protecting and advancing the rights of all persons to participate fully in the civil, cultural, economic, political, and social life of their communities.

CWDO actively promote the rights, freedoms and responsibilities of persons with disabilities through community development, social action, and member support and referral. Our primary activity is public education and awareness about the social, economic and physical barriers that prevent the full inclusion of persons with disabilities in Ontario. We are non-partisan, acting in the interests of the 1.85 million Ontarians who live with one or more disabilities. Our registered members reside in most electoral districts in the province.

The nature of the issues we face grow in magnitude when one realizes how disability intersects with race, gender identity, Indigenous status, literacy levels and other characteristics which compound accessibility barriers.

Attached, please find a series of questions which CWDO has for your government. Our questions are offered with a brief explanation as to why the issue is important to our communities. We also state our position on each issue and trust that your government will carefully consider these stances when formulating your response to each question.

Your responses to our questions will be shared with our members and posted on our website at www.cwdo.org.

Consistent with the principle of “Nothing about us without us!”, we will be happy to collaborate with you to achieve what we hope are mutual goals and interests.

We look forward to receiving your comprehensive response and to having further dialogue with your Office and respective ministries on these matters. Please send your written responses by email to cwdo.tbaytel.net.

Sincerely,



Tracy Odell
President

Pronouns: She/her/hers
Personal cell: 416-529-0650 (voice or text)

Together we are stronger.

Email: cwdo@tbaytel.net
Website: www.cwdo.org
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Attachment

CWDO Questions for the Premier

A. Accessibility Standards

Issue: Delays in government implementation of accessibility standards have been excessive and unnecessary. The delays signal an all-time low in government action to address outstanding accessibility barriers and is eroding our confidence in government.

Context:

The Liberal government enacted the Accessibility for Ontarians with Disabilities Act (AODA) in 2005. The AODA promised that the province would be accessible by 2025 and required the Act to be reviewed every five years. Two new important areas, health and education were identified, and standard development committees were struck to begin the work of creating standards in these areas.

In 2017, the decision was made by the provincial government to stop the work of these committees. The 2019 AODA Review, under the Honourable David Onley, stipulated in [Recommendation #4 of the report](#), to “Direct the standards development committees for K-12 and Post-Secondary Education and for Health Care to resume.” Not until the summer of 2021 did the Ford government invite consultation on the draft report and recommendations of the proposed new standards for health and education. CWDO submitted written responses to the proposed standards. Our responses are posted on our website at www.cwdo.org.

Commitments CWDO Seeks:

CWDO calls on the government to immediately release the accessibility standards noted above. Furthermore, we would expect the government to announce new areas for standards development, such as retrofit requirements, and stronger compliance and enforcement for all areas of the standards.

Questions:

- 1. Given the work done to date to develop accessibility standards for health care, K-12 and post-secondary education, when will your government release and implement the accessibility standards?**
- 2. How will your government ensure health care and education standards are effectively enforced?**
- 3. The final health care standard recommendations primarily focus on the hospital sector. How will your government**

support accessibility standards in other health care settings, such as community and home care?

B. Housing

Issue: There is a dearth of affordable, accessible housing for Ontarians with disabilities.

Context:

People become disabled every day in Ontario due to traumatic injuries; inherited and acquired conditions; and illnesses, including long-haul COVID. 24% of Ontarians have a disability, and millions of seniors also have one or more disabilities.

People with disabilities are often placed on waiting lists for many years for accessible housing. If a person can only afford rent with a rental subsidy, an apartment may be out of reach in their lifetime. This has the combined effect of having no accessibility in housing for newly disabled people or those who are ready to leave their childhood home.

Ontario has a lot of catching up to do for people with disabilities to have timely and reasonable access to housing.

The Canada Mortgage and Housing Corporation (CMHC) reports that the cost of building a new apartment is the same whether they are accessible or not, if it is planned from the design stage. It is the renovations to conventional housing which are expensive. Therefore, there is no good reason why new housing can't be accessible for all.

Commitments CWDO Seeks:

CWDO calls on the government to actively work to change the Ontario Building Code to require that 100% of units in every new multi-unit residential building be built according to [universal design principles](#), so anyone of any age or ability can live there. We also seek expansion of the rent geared to income (RGI) program so that the waiting list for a rental subsidy does not exceed four months.

Questions:

- 1. By when would your government commit to changing the Ontario Building Code to require that 100% of units in every new multi-unit residential building be built according to [universal design principles](#)?**

- 2. Will your government require that municipalities deny building permits unless 100% of housing units will be built following universal design principles or higher standards?**
- 3. Will your government commit to expanding access to affordable housing by making funding available so that no eligible person must wait more than three months for a rental subsidy?**

C. Institutionalization

Issue: Too many people continue to be warehoused in institutions, in large part due to a lack of community options. This is not only a waste of human potential, but it can lead to cruel and unusual punishment and dire consequences where there is no other choice.

Context:

According to a [2021 study conducted by Campaign Research](#), virtually all Ontario seniors (95%) prefer staying in their own home.

The government made a commitment to close Ontario residential institutions for people with disabilities. Yet in 2021, the [Ontario Long-Term Care Association reported](#) that 7,590 (6.6%) of people with disabilities under the age of 65 continue to reside in nursing homes.

Institutions are the most expensive way of providing services and offer lower rates of satisfaction and well-being than community-based services. Nevertheless, nursing home “beds” are the top service choice funded by government.

Most people with disabilities and seniors can live comfortably in the community with appropriate wrap-around services. Other jurisdictions, such as Japan and Denmark, have successfully improved outcomes for seniors and people with disabilities by delivering services in the community as much as possible.

During the unprecedented COVID pandemic, huge gaps were evident in the amount of care provided to residents, and the deterioration of patient health and well-being. We will never know how many residents succumbed to COVID vs. the number who died from insufficient care being available, a lack of meaningful human contact, or from the banning of simple privileges like visitors and time outdoors. But we do know that when nursing homes were owned by profit-making companies, there were more deaths than in non-profit facilities.

In its 2021 [Long-term Care Report](#), Ontario's own Financial Accountability Office has shown that the government will spend up to \$10 billion a year, up from about \$4 billion, on nursing home facilities by 2030. This penchant for institutionalization is unsustainable given our growing aging and disabled populations.

Commitments CWDO Seeks:

CWDO calls on the government to commit to a comprehensive strategy to reduce dependency on nursing homes by creating and expanding other viable options that people with disabilities and seniors can trust. Further, the government must commit to increase appropriate community services that enable more people with disabilities and seniors to remain in their own homes for as long as possible.

Questions:

- 1. How will your government commit to developing a comprehensive strategy to divert people with disabilities and seniors away from nursing homes by supporting community-based alternatives?**
- 2. How will your government ensure that people with disabilities, seniors and their families are consulted regarding the programs and services needed to stay in their communities?**
- 3. How will your government commit to increasing the availability of programs and services that people with disabilities and seniors can count on, to live successfully in the community?**

D. Supports for Children and Adults with Severe Disabilities

Issue: The cost of treatments for children with certain disabilities that can be identified early are out of reach for virtually all families. government funding does not cover the full cost of necessary treatment and services for children with severe disabilities like autism throughout their entire lives.

Context:

When the government attempted to [reduce assistance to families of children with autism](#), they quickly found the community's breaking point. Back-tracking took place almost instantly. These families knew what the government failed to recognize - that some families are at their limit in trying to manage the challenging demands on the family.

In recent years, technologies have been developed which are showing promise in [treating babies with spinal muscular atrophy](#). However, these treatments will cost \$1 M per child per year. The number of years that treatment is needed varies with the drug used.

In each case, early treatment and service can reduce the need for it later as the child becomes an adult. As a result of early treatments, families can bond with the child better, and natural supports available over the person's lifetime are strengthened.

It is important to remember that children with disabilities grow up to be adults. Young adults will need transitioning into post-secondary school or other environments. Some adults with disabilities may need support on an ongoing or intermittent basis to obtain or keep employment, build community networks and socialize.

While the type and level of support needed may decrease over time, it will still be needed, even if in a different form. It should not be ignored or timed out on a funding schedule.

Increasingly, early treatment and intervention is proving to be beneficial long-term, when it is delivered at the appropriate time.

Commitments CWDO Seeks:

CWDO calls on the government to commit to identifying children who benefit from early identification and treatment and to commit to funding that treatment in full. In addition, CWDO calls on the government to implement a long-term funding strategy to help people with severe disabilities to pursue education, recreation and other activities that support each person's right to be part of Ontario's dynamic fabric.

Questions:

- 1. How will your government commit to providing adequate, individualized funding for children and adults with severe disabilities to facilitate their integration into the community?**
- 2. How will your government ensure that people with disabilities and their families are consulted regarding the ways necessary programs, interventions and services will be funded over a person's lifetime?**
- 3. Will your government commit to increasing the availability of programs and services that support people with severe disabilities to live successfully in the community?**

E. Access to Assistive Devices

Issue: People with disabilities endure long delays when they need new assistive devices or require repairs or replacements. Without necessary assistive devices, some people with disabilities cannot access or maintain employment, communicate with others, or perform activities of daily living.

Context:

The lack of assistive devices contributes to disability inequities. This is because some people might not be able to move without the assistance of a wheelchair, or communicate without a computer or other communication aid, or receive adequate air through various breathing supports such as ventilators, CPAP machines and oxygen supplements.

Technology is rapidly changing, making it difficult to repair devices (e.g., because parts are no longer available) and to keep up with models that become incompatible with other equipment such as computers and Braille devices.

For people receiving ODSP, the full cost of equipment is supported, ironically making this a barrier to employment if the employer does not offer similar benefits. The Wellesley Institute's 2017 research found that about [35 percent of workers in Ontario do not have medical and dental coverage through their employer](#). About 85 percent of those earning less than \$10,000 receive no workplace health benefits, and about 70 per cent of those earning between \$10,000 and \$20,000 are not covered.

It is common for expensive equipment like high-tech wheelchairs to take a year or more to replace, and even getting repairs done can take several weeks. For people on ODSP, the wait is even longer since additional time is required for approvals.

Delays in getting equipment and repairs through ODSP are costly to people with disabilities in terms of the effect this has on our integration, employment and even schooling.

Commitments CWDO Seeks:

CWDO calls on the government to commit to a comprehensive review of the Assistive Devices Program with an aim to facilitate the safety, full inclusion, and participation of people with disabilities in their communities. Further, the review should examine access to devices not currently covered yet would support a person's ability to work and live in the community, for example lifting devices, as well as the full range of aids for people who are blind or hearing-impaired.

Questions:

- 1. How will your government commit to conducting a comprehensive review of the Assistive Devices Program (ADP) as it serves people with disabilities, ensuring that we are meaningfully consulted?**
- 2. How will your government ensure that people with disabilities are not left hanging because of the delays caused by approval protocols?**
- 3. How will your government commit to increasing the types of assistive devices supported through the program, including continued, life-long provision of benefits for people with disabilities who do not have adequate workplace benefits coverage?**

F. Employment

Issue: Unemployment and underemployment remain a chronic problem for people with disabilities living in Ontario. Rates continue to be in the 50-55% range for both women and men with disabilities.

Context:

Over several decades, various commitments and efforts have been made by all levels of government to address this issue.

Governments have made significant investments in promoting employment for persons with disabilities. This includes temporary wage subsidy programs, relaxing rules for people going on and off Ontario Works and the Ontario Disability Support Program, funding of province-wide services that match employers with prospective employees with disabilities, and funding employment programs, to name a few.

Yet, minimal progress has been made. The reasons for this gap are many and various.

First, many employers wrongly assume that someone with a disability is not as capable of doing the work of another employee. Ableism is likely the primary reason for this erroneous belief.

Another reason is that people with disabilities are often the last hired, and consequently the first to be let go. Related to this point is that the work we can get is often precarious: people with disabilities are more likely to work under a temporary contract or with poorer working conditions than regular, permanent employees, who often enjoy superior job and work benefits.

To touch on some other reasons for unemployment: the employer might be unaware of the assistive devices that someone would use to succeed in the

workplace; the employer might not permit the flexible arrangements needed by someone with episodic disabilities; or the employer's washroom might not support someone with a large mobility device.

And finally, infrastructure ranging from community support services to sign language interpreters, accessible housing and transportation, might not be available where and when needed.

When an employer is not aware of how someone with a disability could do the job, it won't be offered to the prospective employee with a disability, even if overqualified for the position.

Commitments CWDO Seeks:

CWDO calls on the government to conduct a thorough review of employment barriers as experienced or anticipated by potential employees with disabilities. Similarly, the review should consider the various perspectives of public, broader public and private sector employers, and determine what is needed to for them to hire, retain and promote people with disabilities. Immediate action must then be undertaken to develop a comprehensive employment strategy for person with disabilities.

Questions:

- 1. How will your government involve people with disabilities in the development of a comprehensive strategy for the recruitment, retention, re-entry, and promotion of people with disabilities in public, broader public and private sector workplaces?**
- 2. How will your government take into account the need for integrated supports and services to address employment issues in a holistic manner e.g., income supports, education and training supports, workplace accommodation, accessible transportation, affordable and accessible housing, workplace benefits, etc.?**
- 3. What is your government doing to set an example for other employers across the province?**

G. Income Security

Issue: Most people with disabilities live below the poverty line, in part because government policy does not reflect common knowledge of how poverty adversely affects health outcomes.

Context:

Early in its mandate, the current government cancelled the Basic Income Pilot even though it showed positive results for people on social assistance and low-wage earners. [Preliminary anecdotal reports](#) from participants

suggest that the results were significant and sometimes led to a person being able to gain employment.

Even if full employment was not possible, the extra income reduced participants' anxiety and improved participants' health and well-being.

Canada's Low-Income Cut-Off (LICO) changes each year with inflation. In 2019, LICO was \$26,426 per year for someone in a one-person household. A single person on ODSP receives only \$14,028. With inflation rising at a record rate, people with disabilities who rely on ODSP will be relegated to a life of ever-increasing poverty. Surely, we could do better!

Commitments CWDO Seeks:

CWDO calls on the government to set the rate of ODSP payments so that they meet or exceed the livable wage accepted for Ontario and tie increases year over year to the inflation index. Furthermore, a comprehensive, independent review needs to be done to confirm eligibility criteria for ODSP and barriers to working, such as the eventual discontinuing of associated medical costs. Government's commitment to address the other barriers we mention in this submission will culminate in fewer people having to rely on social assistance over the long term, with the right people using ODSP for the right reasons.

Questions:

- 1. What will your government do to close the poverty gap for people who need assistance from ODSP?**
- 2. How will your government support people on ODSP to work intermittently or part-time?**
- 3. In what ways will your government evaluate outcomes for ODSP recipients that consider social indicators of health?**

H. Accessible Parking Permit

Issue:

Receipt and use of the Accessible Parking Permit is one of the most abused and misused services available across the province. This creates hardship for people who rely on designated "accessible" parking spaces, often because of the need to deploy a ramp or transfer out of the driver or passenger's seat onto a wheelchair or scooter.

Context:

The province issues accessible parking permits and sets out the conditions for their use. A regulated health practitioner must confirm the person's level of disability so that the appropriate type of permit can be issued.

People with a legitimate need for accessible parking permits often cannot find accessible parking on the street, in malls, schools, medical centres and other places. Because of the convenience accessible parking affords everyone, there is a great deal of incentive for non-disabled drivers to break the rules for using them.

Parking officer crackdowns in Ottawa and Toronto have confirmed abuse and misuse of these permits.

The types of abuse and misuse of Accessible Parking Permits include:

1. Physicians and other practitioners not dutifully applying eligibility criteria to permit (initial or renewal) applicants;
2. Use of the permit by family members, friends or acquaintances when the permit holder (driver or passenger) is not present in the vehicle;
3. The existence of counterfeit permits;
4. Failure by the province to recover permits from expired or deceased permit holders, whereby family members use the permit as a "family pass".

Such abuse and misuse results in the frequent unavailability of designated accessible parking spaces for persons with disabilities who genuinely need them. People with disabilities lack confidence that a permit will only go to or are used by those who require one, and that strong steps will be taken to prevent fraudulent use of permits.

Commitments CWDO Seeks:

1. That a specified number of extra-wide accessible parking spaces be designated for use only by persons using wheelchairs, scooters, walkers, or similar mobility devices. Other designated accessible parking spaces of regular width to be used by persons with disabilities not using such mobility devices.
2. An independent physician or other licensed practitioner retained by the province and municipality be required to review and approve all initial and renewal applications for a permanent or temporary permit in the interests of strengthening the integrity of the program and to reduce fraud.

3. A photo of the named permit holder be used on the reverse side of the Accessible Parking Permit for the purposes of discouraging fraudulent activity and assisting with investigation.
4. Regular and ongoing enforcement spot checks be undertaken by each municipality to ensure that the designated accessible parking spaces are being used by legitimate permit holders.

Questions:

- 1. How will your government commit to conducting and implementing the results of a thorough policy and program review with respect to the issuance, renewal and use of Accessible Parking Permits and the legal enforcement aspects of same?**
- 2. How will your government ensure there are significant consequences that are enforced for anyone who uses an accessible parking permit fraudulently?**
- 3. How will your government include disability organizations when consulting about on the present inadequacies and improvements that could be made to Accessible Parking Permits?**

I. Medical Assistance in Dying (MAiD)

Issue: Some people with disabilities are choosing Medical Assistance in Dying (MAiD) for the wrong reasons.

Context:

Last year, the federal government passed amendments to the Medical Assistance in Dying (MAiD) law to remove the requirement that death be imminent and to allow people with the sole condition of mental illness to access MAiD and to remove the need to give final consent.

The *Office of the Chief Coroner/Ontario Forensic Pathology Service MAiD Data* reported that altogether, 10,349 Ontarians have died since MAiD became legal. Out of 3,151 deaths from March 18, 2021 - February 29, 2022 when certain restrictions requiring a “reasonably foreseeable death” and consent were lifted, Ontario recorded 75 people with a “non-foreseeable death” received MAiD, and 72 people had the “Waiver of Final Consent” invoked.

In several submissions over the years to both levels of government, CWDO warned of the “slippery slope” this legislation would create. Our worst nightmares are coming true.

Sometimes people are opting for MAiD because there are no viable options to receive the care required in the community. Addressing concerns around community care, housing and housing affordability, assistive devices and other issues identified in this submission would go a long way to preventing people opting for MAiD for the wrong reasons.

When a person has no other choice but to move to a nursing home, some people have begun to seek MAiD instead.

Ontario has only one more year to develop guidelines for permitting MAiD solely based on mental illness, as required in the amended law. CWDO is very concerned that some people with chronic mental illnesses will receive MAiD even if there is a possibility to alleviate the person's mental illness through treatment or other means. We are also concerned that people will be disproportionately assessed for MAiD due to ableism. Medical practitioners who are a product of ableist culture, might too readily agree with their patient that death is better than living with a disability.

Commitments CWDO Seeks:

CWDO calls on the government to involve people with disabilities in a meaningful way to develop safeguards for people in the situations newly permitted by MAiD. We further call on the government to consider how the prevalence of ableism contributes to its policy and program approaches and provide training on ableism to its own policy staff, decision makers and those working in the municipality, university, school and hospital sectors.

Questions:

- 1. How will your government commit to developing the strongest possible safeguards against permitting MAiD for people with mental illness, when it is the sole reason for requesting MAiD?**
- 2. How will your government ensure that all MAiD deaths are recorded, and include all the reasons why a person requested MAiD and for the absence of final consent?**
- 3. How will your government ensure that its staff and those working in the municipality, university, school and hospital sectors are educated about ableism and its impact on people with disabilities?**

Please send your written response by email to cwdo.tbaytel.net.

Please be reminded that CWDO will be sharing your answers to our questions with our members and then posting on our website at www.cwdo.org.

Sincerely,

[Original signed by]

Tracy Odell

President

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