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Chair

Mr. Bryan May

Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities

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• (0800)

[English]

The Chair (Mr. Bryan May (Cambridge, Lib.)): I call the meeting to order.

Good morning, everyone. Welcome to today's meeting on Bill C-81, an act to ensure a barrier-free Canada.

The objective of today's meeting is to continue the committee's thorough review of this bill. I'd like to take a moment to remind both those participating in the proceedings, as well as those observing the proceedings of the committee in person and on video that the committee adopted a motion on September 18 that included instructions for the clerk to explore options to allow for the full participation of all witnesses and members of the public on this study.

As a result, the committee has made arrangements to make all meetings in relation to the study of Bill C-81 as accessible as possible in a variety of ways. This includes providing sign language interpretation and near real-time closed captioning in the room.

Please note that both American sign language and Quebec sign language are being offered to those in our audience. Screens displaying the near real-time closed captioning have also been set up. The sign language interpreters in the room are also being videorecorded for the eventual broadcast of the meeting on ParlVU via the committee's website. We would ask that those in the room remain seated as much as possible during the meeting so that everyone in the audience can clearly see the sign language interpretation. If a member of the audience requires assistance at any time, please notify a member of the staff or the committee clerk.

I would just like to add that we have found throughout these meetings that at times witnesses and committee members alike will often speak at a pace that is a little too fast. I will be interrupting if the interpreters give me either a thumbs up or a thumbs down if we are going a bit fast, so I apologize in advance. Please take your time with your opening remarks and in the questions and answers.

I'd like to welcome this panel here today. First of all, from Accessibility for Ontarians with Disabilities Act Alliance, we are pleased to have Mr. David Lepofsky, chair. He is joined by Faith Cameletti, a student from Osgoode Hall Law School, and Connor Campbell, also a student from Osgoode Hall Law School. Welcome to all three of you.

From the Canadian Hard of Hearing Association, we have Mr. Christopher Sutton, national executive director. Welcome, sir.

From the CNIB Foundation, we have Angela Bonfanti, vice-president, Ontario and Quebec, and Robbi Weldon, program lead, peer support and leisure. Thank you as well for being here today.

We're going to get started this morning with Mr. Lepofsky. Go ahead, sir.

Mr. David Lepofsky (Chair, Accessibility for Ontarians with Disabilities Act Alliance): Good morning.

Our society has for too many years—indeed, decades—been designed on the ridiculous assumption that for the most part it's there for people without disabilities. It's not that people wanted us excluded, but we have just never been part of the thinking, much of the time, when our buildings are built, our public transit is created, our workplaces are designed, and the goods and services we use are designed and sold.

It's a ridiculous idea, because more than five million of us now have a disability—but even that number underestimates us, because, you see, every one of us in this room, and every voter who voted for you or against you, either has a disability now or is bound to get one later in their life. We are the minority of everyone, and no politician or political party can go soft on the minority of everyone.

We commend the federal government for committing to bring forward Bill C-81, and for undertaking a good public consultation on it. However, the bill that is now before you is very strong on good intentions but very weak on implementation and enforcement. The groups that have come before you have provided a road map of how to fix it, and that can be done. When you come to vote on amendments before this committee and when you go back to your caucuses to decide what position you're going to take, we urge you not simply to think of the immediate political expediency of today; we do urge you to think about the imminent election a year from now and the needs of the minority of everyone, for whom no party or politician can go soft.

We urge you to think about what you would say to you, 20 years from now. If you don't already have a disability now but you get one later, what would you come back in time and say about your reluctance to support strong amendments? We urge you to come together and unanimously support strong amendments.

You've heard many groups focusing on very common themes. Our top priorities are in a brief that is being circulated to you in Braille and in a brief that spells much more out in detail. Let me use my time to focus on two, which other groups have supported, but they have not been discussed as much at this committee.

First, Bill C-81 wrongly splinters the creation of accessibility standards and their enforcement among multiple federal agencies. This is a formula for a weak bill. Please unsplinter it. This bill provides that accessibility standards can be enacted—and that's good—but it divides the power to make them among the federal cabinet, which should have all that power; the Canadian Transportation Agency for transportation providers; and the CRTC for broadcasters and telecom companies.

That is a formula for confusion, contradiction, delay and weak standards. All standards should be made by one body alone, and that is the politically accountable federal cabinet. Giving the power over public transit to the Canadian Transportation Agency will have the effect of weakening the measures you take on transportation. That agency, like the CRTC, has no demonstrated expertise on accessibility for people with disabilities. Moreover, both the CTA and the CRTC have substantially inadequate track records in the use of the power on accessibility that they've had for years.

If you go to folks who have a bad track record, you have a predictable future of more bad track records. Let me give you one example that says it all.

• (0805)

The Canadian Transportation Agency has had the power to make accessibility standards for people with disabilities in federally regulated transportation providers for over three decades. They're so excited and so eager to use that power that they've made absolutely none. Giving them that power now can give us no enthusiasm that they'll be any more willing to use it and to use it well in the future.

You might think I'd be upset that they haven't used it, but in fact I'm happy they haven't used it, because the legislation now—and as this bill is written, the legislation in the future—would provide that if they make a federal accessibility standard, it can actually cut back on the rights that the legislation now provides, because once a regulation is made, it is fully dispositive of the right to accommodation under the transportation legislation. That is really bad.

We need you to first remove that feature in the Transportation Act so that a standard, if enacted, can only extend our rights and never cut them back. Second, we need you to concentrate all power to make accessibility standards in the federal cabinet.

As well, this bill splinters the power to enforce this legislation among four federal organizations: the accessibility commissioner, the CTA, the CRTC and the tribunal that regulates federal employment. Again, this is a formula for confusion.

The federal government response to date has been inadequate. It simply said, "We'll have a policy that there will be no wrong door. Whichever agency you go to, no matter how confusing it is to figure it out—and believe me, it is confusing—if you go in the wrong door, we'll send you to the right door. Problem solved." No, it isn't, because all that does is fix the problem of which door you go in. It does not solve the substantial problem that happens once you're inside that door. It means we have to lobby four agencies to get them up to the necessary level of expertise. It means we have to learn four different sets of procedures, because they may all use different procedures once you get inside the door. It means we have to go to agencies that may not have any expertise in disability and accessibility.

It makes far more sense to simply mandate the new accessibility commissioner with all accessibility enforcement under this act. The fact is simply that the design of this bill, splintering among these agencies, serves only two interests: the bureaucracies that want to preserve their turf and those obligated organizations that would rather this law have weaker standards, slower implementation and weaker enforcement. That is not consistent with the federal government's commendable motivations and intentions under this legislation.

Let me conclude by turning to one other point we'd like to emphasize. Members of this committee have asked what could be done to ensure that on day one, this law will make a real difference. Here's the answer, and it's not now in this bill.

This bill should be amended in accordance with the proposals in our brief to ensure that whenever federal money is spent, it can never be used to create a new barrier or perpetuate an old barrier against people with disabilities. It's commendable that the bill allows the making of access standards for federal procurement of goods and services, but that's not the only way the federal government spends money. The federal government right now spends a lot of money on infrastructure, and not only federal infrastructure, but money is transferred to communities or provinces for local projects such as public transit, hospitals and so on. We urge that any federal spending on procurement, infrastructure, loans or grants to business or otherwise have strong accessibility strings attached, monitored and enforced, so that federal money is never used to make things worse for us.

On day one, that could start making a difference.

● (0810)

In conclusion, I have a really strong sense of personal history today, because 38 years ago, when the Charter of Rights was only a proposal, it did not include equality for people with disabilities. I had the privilege of being one of the many people who came here to argue that the charter be amended to include equality for people with disabilities.

Working together, we succeeded then. Working together now, we can succeed with this bill, which is strong on intention but weak on enforcement and implementation. We now have the opportunity to work together with you again to create a strong law that will make the victory of 38 years ago—equality for people with disabilities—not only a legal guarantee, but a reality in the lives of all of us.

Thank you very much.

● (0815)

The Chair: Thank you very much, sir.

Now we will hear from Christopher Sutton, national executive director of the Canadian Hard of Hearing Association. You have seven minutes, sir.

Mr. Christopher Sutton (National Executive Director, Canadian Hard of Hearing Association): Good morning, and thank you for the honour of inviting the Canadian Hard of Hearing Association here today as you learn more about Bill C-81.

The Canadian Hard of Hearing Association was established in 1982 and is the leading consumer advocacy organization representing the needs of nearly four million Canadians with hearing loss. With a network from coast to coast to coast, we work co-operatively with professionals, service providers, government and others to provide life-enhancing information, support and advocacy to ensure that people with hearing loss can overcome barriers in all aspects of their lives.

My name is Christopher Sutton. I'm the national executive director of the Canadian Hard of Hearing Association. Like most of my colleagues here before you today, I've had the privilege to work on behalf of people with disabilities and have worked in corporate, not-for-profit and government sectors. Even with my advanced level of education and professional success, as a person who lives with an invisible disability, I live with barriers on a daily basis.

The Canadian Hard of Hearing Association supports Bill C-81. While we acknowledge that laws and standards are only one part of breaking down barriers, we see this as a positive step towards ensuring that everyone can live in a barrier-free society. As an individual who has lived in the United States, where they have the Americans with Disabilities Act, I am hopeful about what this legislation will accomplish.

The Canadian Hard of Hearing Association congratulates the Government of Canada for its work on developing this legislation and the process they undertook to consult with people with disabilities to ensure that this legislation meets our needs. Our organization was a partner in this consultation process and continues our work through our engagement with the Federal Accessibility Legislation Alliance. We are pleased to see that so many of the

recommendations we provided are included in this critical legislation.

We see some areas in which there could be improvements to ensure that this legislation is the best possible and allows Canada to lead globally in making sure we live in a barrier-free society. As one of the partner organizations working with the Federal Accessibility Legislation Alliance, we support the recommendations that were provided to this committee and would like to stress the following recommendations.

First, regarding timelines for achieving a barrier-free Canada, our recommendations are similar to those used in Ontario with the AODA. With the goal of having a barrier-free Ontario by 2025, we recommend that specific timelines and deadlines be built into the legislation so that people have a vision and a goal to work towards. We know a barrier-free society will not happen overnight, but we have a vision and a commitment that's critical. We believe that specific timelines and deadlines must be created for establishing the infrastructure to implement the act. This also needs to be done for the Accessibility Standards Development Organization, for standards and regulation committees, for the chief accessibility officer and office, and for the accessibility commissioner and office. We also need to make sure that we set timelines and deadlines for studying and implementing these standards and regulations and for making progress reports.

Second, we recommend that disabled people have access to communication accommodations and supports. While most people think of accommodations and supports as access to a building with a ramp and so forth, it's really much more than that, and understanding a fully accessibility-built environment is very important. We strongly encourage the use and adoption of innovative solutions that provide access to communication accommodations and support. These communication accommodations include things such as CART captioning, ensuring that service counters, conference rooms and other facilities are looped for those with hearing assistive devices, text communications, sign language, and other forms of communication supports. Communication and supports must be made mandatory through standards and regulations.

Third, we recommend that funding be made available so that people with disabilities and the organizations that work to represent them are properly compensated for their contributions to the design and implementation of this legislation. Too often, people with disabilities are asked for their expertise and lived experience and are given no financial compensation for their contributions. Funding is also needed to develop tool kits, guidelines, training and education programs, and other things to ensure a successful implementation of this legislation.

● (0820)

Also, additional funds need to be provided to organizations like mine that work on behalf of people with disabilities, so that we can continue to provide resources to these individuals so that they can learn more about their disabilities and how to live barrier-free lives.

Probably one of the most important things is to create a culture of inclusion and equity. All people employed by the federal public sector, including staff, must engage in intensive education programs to ensure that they understand and demonstrate inclusive attitudes. It's important that we show at all levels that accessibility is critical. All employees should be examples and role models for creating a culture of inclusion and equity. We must develop policies and practices that must be set and followed and that change attitudes. We also need to have people with disabilities at all aspects and levels of employment. People with disabilities need to be present, and they need to be seen so that we're part of this change.

While I am here to address disability issues as a whole, and not specifically hearing loss, I do want to bring your attention to the rising number of people with hearing loss and the associated economic burden, which causes a problem in Canada and globally. Hearing loss has rarely been an issue that captures public support, and while some strategies for hearing health care have been implemented in some provinces, awareness and resource allocations for hearing health care remain scarce. This is of concern. Unaddressed hearing loss puts affected Canadians at significant risk for unemployment and for developing other serious conditions, such as depression and anxiety, at further cost to our health care system.

You may be already aware. Last week I provided you and your office with an invitation to have an opportunity to address these issues in a separate conversation, and I look forward to receiving your response.

The Canadian Hard of Hearing Association is committed to continuing its work with this committee and the government as they develop this legislation to ensure that it meets the needs of all people with disabilities.

I thank you again, and I look forward to answering any questions you may have.

The Chair: Thank you very much, sir.

Now, from the CNIB Foundation, we have Angela Bonfanti, vice-president, Ontario and Quebec, and Robbi Weldon, program lead, peer support and leisure.

You have seven minutes, please.

Ms. Angela Bonfanti (Vice-President, Ontario and Quebec, CNIB Foundation): Good morning.

Thank you, Mr. Chair, and thanks for giving CNIB an opportunity to speak here today.

As you mentioned, I am joined here by my colleague, Robbi Weldon, who is our program lead for peer support and leisure for eastern Ontario, and she'll be sharing this presentation with me today.

I'd like to start off with a brief overview of CNIB's history and why we are here today. We were founded in 1918. We just celebrated our 100th anniversary. We were founded by wounded war veterans who were coming back and looking for help for those who had lost significant sight through their journey serving Canada in the war.

Throughout the last 100 years, CNIB has done a number of things that have helped to fill gaps that are around societal inequities that people with sight loss face every day. Employment is the one that we have tried and tried again and have yet to succeed on.

We believe that a piece to this puzzle is really around the accessibility of our procedures, of our legislation and of our buildings, and, to Christopher's point, not just the bricks and mortar and the physical space. Our presentation here today will focus on what we mean when we say "accessible" and what this means for people with sight loss.

Today, CNIB's mission is to have a bolder, brighter future. We are an advocacy organization that is here to boost engagement in the world of work, to unleash the power of technology, and to drive achievement and equality for the next century of work that we are going to be in.

I'm going to turn it over to Robbi now to present her portion of the presentation.

Ms. Robbi Weldon (Program Lead, Peer Support and Leisure, CNIB Foundation): Good morning, everyone. Thank you for having me here today.

My name is Robbi Weldon, and I am an employee of CNIB. I also am a person with sight loss since the age of 15. I am a four-time Paralympic athlete and mother of two children. Although I race 95 kilometres an hour downhill on the tandem, my biggest fear is crossing the street each day to catch the bus to work.

As said, physical barriers are a large part of the barriers that persons with blindness or partial sight face on a daily basis, but stronger than that are the access to information and the attitudinal barriers.

As a person with sight loss, I don't use a guide dog and often don't use a cane. It's an invisible disability, having to explain myself to persons in service industries. For example, I was coming back from a World Cup in May to the Toronto Pearson International Airport through customs, and I used the accessibility lane. I approached the worker in customs, and he reprimanded me for being in the accessible lane, even though I had identified that I had vision loss. Those are the types of attitudinal barriers we face.

We're here today to promote the idea that beyond legislation, there's a great deal of funding required on an ongoing basis to educate and bring awareness to Canadians at all levels about the importance of changing those attitudes and removing barriers, whether they be physical or, as I said, access to information and attitudinal barriers.

Thank you.

●(0825)

Ms. Angela Bonfanti: As part of this consultative process since 2016, whether it be through government consultation, public town halls, thematic round tables, the Prime Minister's youth forum, or an online survey, we at CNIB applaud the federal government for this legislation. CNIB was also part of two disability consultative groups funded by the federal government to consult with Canadians with disabilities from coast to coast to coast.

After Bill C-81 was tabled this June, CNIB analyzed the legislation, and we conducted our own nationwide survey on the legislation with people who have sight loss and with sight-loss advocates. Our recommendations and testimony today are based on what we heard over the past three years and are also based on our experience over the last 100 years.

As my colleague Robbi started to indicate, CNIB believes that substantial amendments are needed to strengthen Bill C-81. We agree with many of the recommendations that other disability organizations have brought forward. We would like to highlight a few recommendations we believe are key to a truly barrier-free Canada.

We agree with the need to create a new accessibility commissioner and a chief accessibility officer. As David Lepofsky has mentioned, there is a fear among Canadians with sight loss that a splintering effect will make enforcement and compliance with this legislation, future regulations and standards more onerous for Canadians with disabilities. We advise against further creation of bureaucratic processes in fear that a bottleneck, as it has in the past, may occur when the office of the chief accessibility officer is up and running. We have many years of experience advising and making structures more accessible and straightforward. We urge the government to consult with us when these new offices are being set up.

We believe that to create a society free of barriers, products and goods that are accessed by taxpaying Canadians should be accessible to all. That is why CNIB urges the scope of Bill C-81 to be broadened to require the federal government to procure materials, technologies and services. This will also help to facilitate a shift in the private sector, which will want to do business with the federal government and hopefully by extension do better business themselves.

Frankly, many procured materials are inaccessible. If the government creates a procurement strategy with accessibility in mind, everyone will benefit.

As Minister Qualtrough currently has ministerial oversight regarding this legislation and Canada's procurement strategy, she is in a prime position to ensure barriers are removed.

For example, point-of-sale terminals are often inaccessible for persons with sight loss and other disabilities. They have to ask a stranger to indicate whether they've put in the right PIN. They have to give a stranger their personal financial information to ensure that their groceries are bought and paid for. If the government procured a point-of-sale terminal that was accessible and mandated that all point-of-sale terminals used by the federal government, such as those used at Canada Post, were accessible, this could greatly shift the use of point-of-sale terminals that non-federally regulated entities utilize.

The world is changing quickly. New technologies are being created daily, and old practices are being modernized. Organizations and companies are changing the way business is done. People can print wirelessly. Documents are now saved on the cloud instead of on wired networks and in filing cabinets.

I hold in my hand a smart phone, something many federal organizations already provide for their staff. Robbi and I have used the same piece of technology to help us get our jobs done. This is through the use of artificial intelligence and other applications that are built into this device. It's not the only solution, but it is an economical solution, and frankly, it is already being done.

Finally, if the federal government wants a society without barriers, then all future legislation, policy, regulations and funding should be reviewed through a disability lens: "nothing for us without us". This is consistent with the federal government's gender-based analysis plus that was done in the past few budgets. As Canadians get older and live older, they are more likely to develop a disability. The government's policies, legislation and regulations should not perpetuate further barriers.

The sight-loss population unemployment rate is three times the size of the national average. We believe this could be key to helping us to finally close that gap in employment.

● (0830)

With the amendments stated today, as well as others you have heard from the disability community, Bill C-81 can be a strong piece of legislation and ultimately create an accessible Canada.

We thank the committee for inviting CNIB to appear before you, and we look forward to answering your questions. Thank you.

The Chair: Thank you very much. Thank you to all of you.

We're going to get started right away with questions.

First up, we have MP Finley.

Hon. Diane Finley (Haldimand—Norfolk, CPC): Thank you very much, Mr. Chair.

Mr. Lepofsky, I would like to thank you for your very eloquent and impassioned speech. I found it enlightening and very motivating.

One concern I have with this bill is the difference between how federally regulated departments or agencies are treated and how the private sector that is under federal regulation will be treated in terms of their accountability, exemptions and enforcement. I'm wondering if you can comment on that, please.

Mr. David Lepofsky: We think there should be one regime for enforcement for everybody. It makes it easier. It makes it fair. It makes it cheaper. It makes it work.

We also propose and recognize that you don't set one-size-fits-all rules in the design of any accessibility standard. The requirements and the timelines will vary depending on the size and capacity of the organization. That's an accepted requirement for designing an accessibility standard, and that can be done under this act. It is rendered far more complicated if who you are, which agency you are and what kind of work you're doing dictates which rules you have to comply with, and the timelines, and who you go to for enforcement.

The best way to achieve what you are talking about is a uniform process for enforcement under the accessibility commissioner—not splintered. It is one body that sets all accessibility standards. That's the federal cabinet.

Believe it or not, with the way this bill is designed right now, it's not cabinet that gets the final say when it comes to transportation barriers; it's the CTA. If the CTA doesn't propose the standard or adopt it, Canada can't approve it. Why should the CTA have a veto over cabinet? Last time I checked, we vote for parties who form the cabinet. We don't vote for the CTA.

Hon. Diane Finley: Thank you.

One part of this bill talks about having, after three years of consultation to get this far, several more years of consultation to determine the standards that should be applied. We had the Canadian council for disabilities here. They say they already have standards. VIA Rail consulted them when they were planning their renovations, remodelling and retrofits. Around the world, different places have brought in standards to varying degrees of success.

Do you believe that another several years are required, or do the standards that are needed already exist?

● (0835)

Mr. David Lepofsky: I know your party has raised concerns about this, and respectfully, we don't agree. Let me explain why. I urge you to reconsider your concern.

There should be timelines for action so that consultations don't go on forever. On the other hand, we do not have any good accessibility standards in Canada in the major areas we're discussing. We have building codes, but respectfully, they're all somewhere between lousy and close to lousy when it comes to accessibility. They're up to date as of maybe early last century. If you build a building that complies with the Ontario Building Code, you can readily be creating barriers in that building. We've released videos—which have gone viral—documenting this in brand new buildings using public money.

It's the same when it comes to any number of other areas. The standards in Ontario—and my coalition has been in the lead lobbying on these—are, in all cases, helpful but woefully inadequate. There are some areas internationally where there are standards that can be learned from and adopted, but we do need a process here whereby we look at what's been done here or elsewhere, decide where they're helpful and replicate that, or decide they're too weak and do better. You can't do that at the drop of a hat. That doesn't mean doing it for ridiculously long timelines, but we need to take the time to get it right.

I know there has been some criticism that this bill is just mandating a bunch of new consultations. In fairness, I think that overstates the case. It's not that the standards are out there and we can just copy and paste them and they're ready go. Too often, that's just not the case.

Hon. Diane Finley: Are there any jurisdictions or authorities in particular that you would recommend be consulted in this process?

Mr. David Lepofsky: The two places I know where they are the furthest ahead in certain respects are the U.S. for certain and, in some areas, the state of Israel. We haven't surveyed all around the world to be in a position to give you a comprehensive review, but I know that Israel puts in stronger requirements than Ontario does. They have more enforcement officials for accessibility in the tiny state of Israel, with a few other problems on their plate, than in the entire province of Ontario.

Hon. Diane Finley: I'll pass.

The Chair: Up next, we have Bobby Morrissey, please.

Mr. Robert Morrissey (Egmont, Lib.): Thank you, Chair.

I would like to follow up with Mr. Lepofsky on the discussion you were just having. You made the comment that the focus should be on timelines for action. I'm interpreting your answer, and correct me if I'm wrong, to mean that simply putting timelines in place that have to be achieved may not get what you want. The bill should focus on implementing timelines for accessibility targets. Could you just expand on your position or your statement on timelines for action?

Mr. David Lepofsky: Certainly. Thank you.

Timelines are needed in two contexts.

First, the bill is lacking an ultimate deadline for achieving full accessibility.

You've heard from many groups that have said we need that, and I don't know if you've heard from any groups that said we don't. The only person who's come before this committee, I believe, to make a case against doing that, and correct me if I'm wrong, is Minister Qualtrough, who may have said, or someone may have said, "Well, we don't have a timeline in the Criminal Code to be crime free." It's a wrong comparison.

We have a criminal code because we know that unfortunately in our society, there will always be violence and so on. We need laws to protect us when that happens. On the other hand, we can achieve full accessibility by a deadline if we set the deadline.

We do have a society now in which we manage to ensure that we have women's washrooms in public buildings. We don't have to even think about that anymore.

You heard yesterday from Marie Bountrogianni, who wrote Ontario's accessibility law. She talked about how in the design of Ontario's law, the idea of an end deadline was hers and her government's, not ours. They were very clever in doing that. It was a great move.

She said we're doing this so that we reach a point where we can think about accessibility in our environment for people with disabilities the way we think about women's washrooms. It just happens, and we don't even have to think about it anymore.

That's the first thing. We need an end deadline. Without it, progress will be slower. While progress in Ontario hasn't been fast enough, the end deadline has played a very important role in any progress we've made. If this bill has an end deadline, it will be stronger. If it doesn't, it's basically telling people with disabilities, "We'd like accessibility, but don't expect it, ever. There may be some progress, but we're not prepared to say when or even if a world you can fully participate in will ever really happen."

The other deadlines that need to be built in are concrete deadlines by which various implementation measures in the bill must be taken by government—when standards must be made by, when public officials and agencies like the accessibility standards development organization must be established, and those kinds of timelines.

What we know about government, regardless of party, as we've learned in Ontario, in Manitoba and elsewhere where legislation exists, is that unless there are timelines by which public servants must take certain actions to get the bill and the measures it requires

up and running, they will fall behind. It's not because they're bad people, but because they have competing pressures.

To put it simply, folks, you guys are in the political biz, and in the political biz, your timeline is usually the crisis of next week, and the distant future for you is next year's election. Beyond that, it's really out of the spectrum of what people even think about.

We need legislative timelines that go beyond that, and a process to implement it. As in Ontario, if a government fails to meet one of those deadlines, there's a place we can go and an order we can get for the measure they were obliged to take.

• (0840)

Mr. Robert Morrissey: I'd be interested to briefly hear your comments about a concern that was heard from some of the stakeholders about the deadline to make Canada fully accessible. Should the goal continue to be to always strive to achieve a more accessible Canada, or to achieve a static accessibility goal?

Mr. David Lepofsky: It's never static, but setting a goal of more accessibility is basically telling us that tokenism works, not to say that's what you mean. A goal of making Canada more accessible means that if you put in one ramp in Vancouver and fix one inaccessible website in Halifax, and you've made Canada more accessible. That's all you have to do, and then you can celebrate that we achieved what we set out to do in this bill.

That's not what the government means. They are aiming for a lot more. They've said it. Commend them for their intentions.

What this means is that you need to say that the goal of full accessibility is set by a certain timeline. Whatever the deadline is in Ontario... If it was 20 years out, that told organizations and municipalities. In the case of the federal government, it would tell Bell Canada, Rogers, Air Canada, Canada Post and the others that you regulate, "Okay, folks, the clock's ticking now, so go back and start making your plans for how you're going to get there on time." The government will be telling itself the same thing.

It will also enable us to measure progress, because when we're halfway through that timeline, we can ask if we are halfway to that goal. If we're not, then those in your seats will be able to face the call from the community to say that we're ahead of schedule or that we're behind schedule and changes need to be made.

The Chair: Thank you.

MP Hardcastle is next, please, for six minutes.

Ms. Cheryl Hardcastle (Windsor—Tecumseh, NDP): Thank you, Mr. Chair.

I want to thank everyone for their thought-provoking comments today. I'm going to try to get us to talk about some of the things that haven't been mentioned. I know there are recurring themes, but we need to explore more fully how we can practically apply amendments and be confident in a consensus about certain amendments.

Yesterday we heard about the lack of a mention of a national building code in this legislation. Today, we're hearing about the responsibility of an accessibility commissioner and a chief accessibility officer.

Maybe you can talk a bit about what you think the roles are and about how we should be articulating standards and whose responsibility that is ultimately or which office should be overseeing that.

• (0845)

Mr. David Lepofsky: Are you directing that to all of us?

Ms. Cheryl Hardcastle: Yes, in general; it's to whoever wants to go.

Mr. Lepofsky, you always have a lot just on the tip of your tongue, I think, so don't hold back.

Mr. David Lepofsky: Let me offer it to you in a couple of sentences. Then my colleagues can add in.

All enforcement should be under the accessibility commissioner, pure and simple. Right now, the way the enforcement works.... This is a specialty of mine. I teach law, and I'm having trouble figuring out this bill, so I have to figure that other people are going to likely have similar difficulties.

On the making of accessibility standards, they should all be recommended by CASDO, the Canadian accessibility standards development organization. That's the way the government designed it and that's right, but they should all then be enacted by one body, and that's cabinet. The bill doesn't say that. That's wrong.

There is a chief accessibility officer. Their mandate is confusing. We've provided in our brief a way to clarify it. Their role really should be as a national watchdog to keep us all on topic and on schedule. They should be issuing reports and recommendations to all of us, not prevented by any minister, and they should be doing so to let us know when we're doing well but also where we have to do more.

Ms. Cheryl Hardcastle: Does anybody else want to add to that?

Ms. Angela Bonfanti: I agree. I think CASDO is a great element of the bill, and that's what our survey told us after the bill was introduced when we surveyed thousands of people with sight loss.

I also think it's really important that we have a group of people with disabilities who are part of this process, especially when we start talking about those who want to put forward exemptions and other pieces, which will inevitably happen. I think the body is right, and we are in total agreement with David on this, but we need to have a group of people who have the lived experience at the deciding table.

Ms. Cheryl Hardcastle: That gets me back to the issue of exemptions. Where do you think we should be going in terms of

pushing for amendments for this bill? If amendments are a reality, should we be asking for an appeal process and that reasons be provided, or should we get rid of that entirely?

Mr. David Lepofsky: I think the first step should be that the sweeping exemptions in this bill, whereby the government can give itself exemptions and the CTA can be giving out exemptions to transit providers, are all wrong. There are no exemptions from human rights, much less ones done behind closed doors with no input. The government said this bill is to be based on "nothing about us without us". This is about taking it all away from us without us, and that shouldn't happen.

If the concern is that there should be exemptions related to small businesses or something, for the most part the government doesn't regulate small business, and Air Canada and Bell Canada are not small businesses. In that case, create an exemption power for small businesses. If exemptions are to be granted, the bill should explain what the criteria are, and they should be time-limited and should not be extended if there is anything showing that the company that gets the exemption has accessibility problems.

The way it's written now, the government can give a carte blanche exemption forever to an organization, and the day after, the same organization can set about creating all sorts of new barriers, and we have no recourse in relation to the exemption. The bill doesn't make any sense now. If there's to be any exemption power at all, it should be tiny, narrow, time-limited, and subject to an appeal process, and there should be strict, narrow criteria about when the government can grant exemptions.

Ms. Cheryl Hardcastle: Thank you.

Very quickly, can you comment on the way we should be bringing timelines into force?

I know that with UN treaties, we use the concept of progressive realization. We don't have any coming into force provisions here, either. Can you expand on how we could be using that more effectively for this bill?

The Chair: Be very brief, please.

Mr. David Lepofsky: The AODA Alliance brief and the ARCH Disability Law Centre brief give you specifics on which provisions need to be amended to include specific timelines.

The Chair: Thank you.

MP Hogg, go ahead, please.

Mr. Gordie Hogg (South Surrey—White Rock, Lib.): Thank you again to all of the witnesses.

As we've gone through a number of hearings, we've heard a number of issues come up. I think there are two or three principles that seem to be coming up consistently.

First, everyone thinks that it's wonderful that this initiative has been taken. Concerns have been expressed around implementation, accountability and the principles that are inherent within those, in terms of them becoming operationalized, as well as around funding culture, procurement and accessibility.

Certainly the principle that the minister talked about from the beginning was wanting to have an approach that was not about disability but about openness and an inclusive society, and those are some of the principles that are driving us.

Mr. Lepofsky, you've talked a little bit about the timelines and how there would be some time-limited exemptions granted. Do you see those exemptions being for a whole field of organizations, or do you see those being individual organizations? How in fact would that be operationalized? I like the principle, but I'm not sure how that becomes operational in a meaningful way.

● (0850)

Mr. David Lepofsky: Let me begin by saying we don't really see the case for needing it; it's the government that came forward with it, so our answer is that if you're going to do it at all, do it subject to the restraints that we mentioned.

Here's why we don't think you need it. When you design an access standard, when you say to an organization, "Here's what you have to do", it's not a one-size-fits-all standard. Different timelines can be set for taking action, depending on whether you're public sector or private sector or whether you're bigger or smaller. The flexibility can be designed in, based on the costs and the abilities of the obligated organizations.

Properly designed standards build those in. They've done it in Ontario, and if anything, the timelines have been too long. In other words, they've given obligated organizations more time than they needed to. It's certainly never been the case that they've been making them rush into action sooner. That's where the flexibility gets built in anyway.

Some members at this committee have asked at the hearings, "What's the cost of doing this?" Well, the cost of taking these actions is already required under the human rights code. This bill doesn't actually impose new obligations. It should codify the obligations that have been on the books under the charter and the Canadian Human Rights Act for decades. Recognizing that some organizations can do more sooner, because they have more resources and more capacity, you build that into the standards. You don't need to then turn around and create exemptions that essentially double-count and double-credit that situation.

Mr. Gordie Hogg: If I'm an organization or a small business somewhere in a rural part of Manitoba and I'm not meeting the standards, are you suggesting we grant exemptions to small organizations, or is it to the whole business community? How do you break that down into an operational model?

Mr. David Lepofsky: First, we wouldn't create any exemptions to an entire sector of the economy. That wouldn't make any sense. You build into the standard different requirements based on the size of the organization and the resources or capacity of the organization. The human rights code is written exactly that way, and so is the Charter of Rights.

Mr. Gordie Hogg: Then would an individual organization be given an exemption because it was part of an area, or would I have to change my hardware and individually have to apply to you?

Mr. David Lepofsky: I'm going to turn it around and say it's the government side that is asking for the exemption power, so if you're going to have one at all—we don't see the need for it—make it as narrow as possible. If the motivation behind the government wanting to create an exemption power is concern about small business, create a power that says exemptions can be granted, but only to organizations of this size, based on capacity, based on an application and a request, and make it time-limited based on specific criteria. In other words—

Mr. Gordie Hogg: Ms. Bonfanti—

Mr. David Lepofsky: Do you follow me? In other words, if that's the worry—and I can't tell you that's the worry, because we're not the one espousing it.... The bill gives the power to grant an exemption to anybody, anytime, for any reason.

Ms. Angela Bonfanti: David, I'd like to weigh in on this, if that's okay.

I think federal regulations should have no exemptions. That's our stance completely. Where there are exemptions outside of that, we need to have a published, online, accessible format, a very transparent way for someone to put forward a request for exemption. This alleviates the backdoor conversations and the smaller routes that somebody can take that often happen when there's bureaucracy. Make it public, make it accessible, and give it a timeline.

Mr. Gordie Hogg: Given that statement, can you describe for me how you might grant exemptions, what criteria, culture or organization you might grant an exemption to? Can you describe some of those?

Ms. Angela Bonfanti: I don't think it would be organization or sector, because even under the small business area the revenue levels vary, the debt levels vary. I think we have to be smarter about the criteria, and it should not be a blanket approach. If I'm a small business in Manitoba and I'm running a small restaurant with 20 seats and I'm running at a deficit, there should be criteria online so that if I fall within that category and I need an exemption for now, not forever, I have a plan in place to become compliant under the act.

● (0855)

Mr. Gordie Hogg: You're saying there would be a firm deadline, and then you're suggesting people can apply to extend that deadline for particular circumstances—

Ms. Angela Bonfanti: Not forever. There are improvements everywhere.

Mr. Gordie Hogg: —and those are the types of circumstances you would see.

Mr. David Lepofsky: Let me just give you another example of where things can go wrong.

The Chair: Be very brief, sir.

Mr. David Lepofsky: Maybe I was younger. I've read these debates, and forgive me, but my ears glaze over after a while—

Mr. Gordie Hogg: You should try sitting on this side for a while.

Mr. David Lepofsky: —but don't take that personally.

One suggestion that was raised from someone was that we should grant exemptions if people are already in compliance. Well, if they're in compliance, they don't need an exemption. Then there was the suggestion that we should grant exemptions so they comply with provincial access standards. Well, if the provincial access standards are too weak, as is the case in Ontario, that's no basis for an exemption at all. This has to be much more narrowly tailored if it's going to happen at all.

The Chair: Thank you very much.

Mr. Gordie Hogg: Thank you; that's helpful.

The Chair: MP Ruimy, you have about four minutes.

Mr. Dan Ruimy (Pitt Meadows—Maple Ridge, Lib.): Thank you.

Just picking up off my colleague's statement, if we're a bank, for instance, and you wanted to test new equipment or you're developing new equipment, would that be a reason to have an exemption—while you're testing that equipment?

Mr. David Lepofsky: No, and I'll tell you why. One, the access standard should have built into it the kind of flexibility to address that. If the access standard for an automatic teller machine says you need equipment that will accomplish the following outcomes—A, B and C—then if they're testing something new, either it should meet those requirements or an existing ATM that already meets those requirements should be sitting there, and we, the user, have the choice to try one or the other.

You don't tell people with disabilities, “Well, we're trying out new steps, so until we finish trying out the new steps, no ramp.” It just doesn't make any sense.

Yes, there should be room for experimentation and innovation, but not at the price of accessibility in the interim. As long as there is accessibility in the interim, go experiment with anything new. Moreover, if you design the standards well, your question won't need to be asked, because the outcomes are what the standard might require: a machine that will enable me to do A, B and C without seeing or hearing or reading text.

Mr. Dan Ruimy: Thank you.

It's nice to see you back here. You were in my copyright committee last week. We're doing the five-year legislative review of copyright, and we specifically wanted to include a portion on disability to make sure that if there are any amendments to copyright law, we could apply them to your community. That's kind of eye-opening for a lot of people, and I heard your testimony there.

When we're talking about timelines—and I'm just trying to wrap this all together because I don't have a lot of time—what we're hearing is an evolution of where we want to get to. There's no one thing that tells us we're there and we're done. It's a process to get to where we want to go.

I received an email from a constituent yesterday. She says she's a person with multiple chemical sensitivities and hyper-electrosensitivity and finds it difficult and painful to enter all public places, including government and medical offices and hospitals, because of the use of chemicals, chemically scented products and wireless technologies, including Wi-Fi.

This could be considered a disability. How does one even include that? When you're talking about folks who can't hear or see, those are things we know, like people in wheelchairs. This takes it to a different level. You can't put a timeline on that. I can see timelines on when bodies are going to come together and how long it's going to take for certain standards to be developed, but it's an ongoing process.

Can any of you speak to that?

Mr. David Lepofsky: As I understand your question, what you're really saying is that we can set timelines for taking actions like when to start enforcing, when to have agencies set up and when to make standards, but you're questioning whether we can have an end date.

● (0900)

Mr. Dan Ruimy: Yes.

Mr. David Lepofsky: We have one in Ontario, and what you just talked about didn't hold us back. It hasn't held back that timeline from creating positive pressure on organizations to sit down and figure out how we're going to get there and get to work on it. It's not indefinite; 2025 is getting closer. It hasn't stopped us from being able to turn to the government and say, “You're behind schedule; here are the things you need to do.”

Mr. Dan Ruimy: Just to push back on that, yesterday we heard from Manitoba, which had a 10-year deadline, and they're very disappointed with where they are at the five-year mark. These are the challenges you face when you implement a drop-dead timeline. That's the challenge that we as a committee are facing.

Mr. David Lepofsky: Just so you understand, we share Barrier-Free Manitoba's concern about the progress in Ontario, but the solution to that is not to take away the very powerful tool we have. The solution to seeing that they're going too slow is not to create a yardstick to measure slow by; the solution is tell the government, as we are in Ontario and as they are in Manitoba, that it's not on schedule and to get to work.

We need tools that require the government to have not only that end timeline, but intermediate timelines that are more effective and that will more effectively keep us on schedule.

Mr. Dan Ruimy: I agree.

Mr. David Lepofsky: The solution to your problem is not that we should avoid having an end date because we may not make it, but to create an end date that's doable—not one that's next week or a millennium from now—and then implement intermediate timelines designed to make sure we're on schedule.

The Chair: Excellent. Thank you very much.

I'm going to have to step in and wrap this panel up. I want to thank all of the witnesses for being here today and contributing to the study of this bill.

We will suspend for a few moments while we set up the next panel. We'll be back in just a few minutes. Thank you.

• (0900) _____ (Pause) _____

• (0905)

The Chair: We'll come back to order.

Welcome to our next panel.

We have joining us today, from the Canadian Association of the Deaf, Frank Folino, president, and James Roots, executive director.

Welcome to both of you. Thank you for being here today.

Coming to us via video conference from Saskatoon, Saskatchewan, we have David Arnot, chief commissioner of the Saskatchewan Human Rights Commission.

Can you hear me, sir?

Mr. David Arnot (Chief Commissioner, Saskatchewan Human Rights Commission): Yes, thanks.

Good morning.

The Chair: Good morning.

Thank you very much for joining us on what would be a very early hour for you this morning.

We're going to start off with the Canadian Association of the Deaf. Frank Folino and James Roots, the next seven minutes are all yours.

Mr. Frank Folino (President, Canadian Association of the Deaf): *[Interpretation]* Thank you, Mr. Chairman, for inviting us to appear before this committee to study Bill C-81, the accessible Canada act.

My name is Frank Folino, and I am the president of the Canadian Association of the Deaf.

This is my colleague, James Roots, executive director of the Canadian Association of the Deaf.

The CAD-ASC is a national non-profit organization that promotes accessibility for deaf people who use American Sign Language, ASL, and

[Translation]

Quebec sign language.

[English]

CAD-ASC works with the Federal Accessibility Legislation Alliance, FALA, to advise and improve Bill C-81, the accessible Canada act. Bill C-81 is very important for persons with disabilities and deaf persons, as it would lead to an improvement in their quality of life. The Honourable Carla Qualtrough, Minister of Public Services and Procurement and Accessibility, has stated that 5,000 new jobs will be created for people with disabilities and for deaf, blind and hard-of-hearing persons in Canada.

We commend the Government of Canada for introducing Bill C-81, which is the right step towards becoming an accessible Canada. CAD-ASC and the deaf community want Bill C-81 to be improved and to become law.

We would like to recommend the recognition of ASL and LSQ as official languages of deaf people in Canada because they do actually provide full accessibility to information, communication and services. It will make a huge difference for deaf Canadians, and you will be in compliance with the United Nations Convention on the Rights of Persons with Disabilities, CRPD, that Canada ratified in March 2010, which has five different articles that mention the specific rights of sign languages.

Currently, there are 45 countries whose governments have recognized their national sign languages, including Ireland, Greece, Scotland, Italy, Mexico and New Zealand. Canada is not on this list. Such recognition in Canada would ensure the removal of barriers and ensure equal access, which is an important step towards becoming an inclusive, accessible Canada.

As we integrate both English and French societies, this means that deaf people in Canada would finally have equal access to federal government services. Examples would be production of accessible videos on federal government websites, provision of ASL and LSQ video interpreting at federal government services—Service Canada would be one example—provision of picture-in-picture ASL and LSQ interpretation services for broadcast television and digital communications such as federal leadership debates or emergency alert announcements, and any other kind of accessibility services.

Let's imagine for a moment how Bill C-81 will improve the lives of deaf people in Canada. Let's say that a deaf person is at the Ottawa International Airport and his or her seat needs to be reassigned due to an overbooking by the airline. The deaf person approaches the airline customer service representative at the gate, and they connect by video interpreting services. Immediately, they are able to communicate in ASL or LSQ through a video interpreter to resolve the overbooking issue and to reduce stress and confusion.

A second example would be a deaf person who is watching a federal political leaders' debate with sign language interpretation. For English, the debate has ASL interpreters, and for French, it has LSQ interpreters, picture-in-picture on screen, with closed-captioning in English and in French so that we as deaf people can participate and be privy to what is happening during the debate in order to have a good understanding of the different platforms that the candidates have.

• (0910)

Therefore, we believe amendments are needed for Bill C-81 to achieve its stated purpose. Today we highlight several recommendations.

One, we recommend that Bill C-81 include an amendment that will recognize ASL and LSQ as official languages of deaf people in Canada. This will allow Canada to join other countries that have already included in their national accessibility legislation recognition of their national sign languages, following the requirements of the United Nations Convention on the Rights of Persons with Disabilities.

Second, timelines are essential for ensuring that Bill C-81 will advance accessibility. We recommend dates and timelines of up to five years for development and implementation of accessibility standards and regulations for each targeted area.

Third, CAD-ASC agrees with the Federal Accessibility Legislation Alliance, or FALA, recommendation that the six targeted barrier areas must be expanded to include communication. This change will bring focus to barriers, accommodations and supports for people with communication disabilities, as well as for people who are deaf.

Fourth, Bill C-81 does not designate a single point of access to oversee the complaints process. We recommend standardization of process for timely resolution of complaints, and a single point of access that supports deaf people and people with disabilities who present complaints, which will avoid unnecessary barriers, delays, and inefficiencies to the process. To avoid these problems, the accessibility commissioner should receive all complaints about violations of accessibility standards.

Fifth, financial support must be available to assist with legal fees for individual complaints.

Sixth, we recommend that the proposed Canadian accessibility standards development organization, CASDO, include a minimum of two-thirds of deaf people and people with disabilities on its board, staff, executives and committees.

Seventh, we recommend that any entity that receives funding from the federal Government of Canada comply with federal accessibility standards and regulations.

Eighth, Bill C-81 must be provided with sufficient and permanent funding to enable people with disabilities and organizations of people with disabilities, including deaf people, to achieve significant advances in accessibility and inclusion in all federal jurisdictions.

Ninth, we recommend that the legislation must mandate the use of comprehensive annual performance reports conducted by the chief accessibility officer based on outcomes achieved.

Finally, we recommend that legislation create, develop and support programs that improve the employment and prospects of people with disabilities and deaf people in Canada.

Our materials include several more recommendations to address other important accessibility issues, for an inclusive, accessible Canada that includes 3.5 million deaf, blind and hard-of-hearing Canadians, to ensure that they have equal rights to participate in Canadian society. It will allow Canada to better meet its human rights obligations under the United Nations Convention on the Rights of Persons with Disabilities.

We would be pleased to answer your questions.

[Translation]

Thank you very much.

● (0915)

[English]

The Chair: Thank you very much.

Now, for the next seven minutes, from the Saskatchewan Human Rights Commission, we have Mr. David Arnot, chief commissioner, coming to us via video conference.

Mr. David Arnot: It's my sincere honour and pleasure to appear before this esteemed committee this morning.

Thank you, Chair, Mr. May, for giving me the opportunity to make this presentation.

The Conference Board of Canada estimates that by 2036 one in five Canadians will have a disability. This is not surprising, considering our demographics are changing. We're all getting older. The boomers cohort, of which I am a member, is getting older; they have expectations, they have wealth, they are vocal, and they need and expect accessibility.

Human rights commissions are at the front lines of dealing with the business, social and individual impact of not accommodating people with disabilities. Last year more than 57% of the complaints that came to the human rights commission in Saskatchewan were disability-related, and fully one-third of those complaints were disability in the area of employment.

In 2015, a study conducted by the Canadian Human Rights Commission in collaboration with the Canadian Association of Statutory Human Rights Agencies, CASHRA, representing all the human rights commissions in Canada, found remarkable consistency with this negative statistic. Almost half of all human rights complaints in Canada in these jurisdictions between the years 2009 and 2013 were disability-related.

Canadians with disabilities experience systemic discrimination and inconsistency in the built environment, employment and access to services within and across all jurisdictions. Canadians with disabilities deserve a systemic response to systemic discrimination. That response must be common, consistent and continuous. In my view, it must use restorative justice principles to create a restored relationship in a positive way.

If I draw a criticism of Bill C-81—and it is really a reminder more than it is a criticism—it is that we must remind ourselves of the intersectionality facing individuals with disabilities. Particularly, number one, women with disabilities, children with disabilities and indigenous people with disabilities are disproportionately impacted. I am mindful that governments are working to support these groups I've just identified, but I think leadership is required, and existing good governance through legislation enables the federal government to take up that leadership role. It's very necessary in this country. The government, the minister and this legislation have the capacity, in my opinion, to leverage change through strategic use of grants and with the sharing of best practices through, for instance, a federal-provincial-territorial table in the future.

In the present, Bill C-81 is significant because, first, it is a first strong effort to provide consistency to the rubric of accessibility in our country and because there is a strong business case for greater accessibility. There is a moral as well as a demographic urgency for doing so, because people with disabilities are the largest minority group in Canada that anyone can join. They deserve consideration.

Let me take you through these points.

First, let us consider the need for a consistent rubric for accessibility. Our country has a national building code and CSA standards that set out minimum standards for accessibility, and some provinces and many municipalities have moved well beyond those standards. All provinces have human rights codes or acts, and they are considered quasi-constitutional, meaning there is a paramountcy to that legislation. That legislation in each province and territory trumps or is paramount over any other legislation, meaning that all acts must comply with the human rights code.

The courts have stated that building codes and human rights codes are, in many cases, complementary. They work together to provide accessibility. Because their quasi-constitutionality is very important, human rights codes trump building codes. Putting people first before systems, as human rights codes do, makes very good sense.

● (0920)

I say this to emphasize that connecting the proposed legislation, Bill C-81, to the Canadian Human Rights Act makes sense at this point. First, it puts people first, before some significant, complex and powerful systems. Second, the bill represents a significant step in our country's evolution concerning disability rights. I use the word "evolution" on purpose, because positive change comes in increments, and I believe we can learn in Canada from the American experience in this regard.

Chai Feldblum, one of the architects of the Americans with Disabilities Act, told me that she and others faced push-back and uncertainty at the time that legislation came into force in the United States. What we can learn from that is, first, there is likely to be some controversy with this introduction, and second, there's likely to be litigation, but frankly, that is to be embraced.

Up front, Bill C-81 contemplates the need to resolve competing interests in a considerate way. Human rights commissions in Canada deal with balancing those interests on a daily basis. It's nothing to fear. It's part of our business, and I think it's done very well.

When I was given the opportunity to comment on the path forward during the consultation process, I suggested that the accessibility commissioner should have a statutory right to intervene in matters that involve accessibility issues that are not before the accessibility commissioner or the Canadian Human Rights Tribunal—in other words, issues that are before other administrative tribunals that have jurisdiction on accessibility issues. By "intervention" I mean that the accessibility commissioner should have the right to bring evidence and to bring legal argument at those other places, those other administrative tribunals.

I also suggested that the accessibility commissioner should have a statutory right to launch a systemic complaint in matters that involve accessibility issues. That is an efficient way to resolve disability issues, in my opinion, because it provides resolution for a large

cohort of individuals, as opposed to a one-off situation. It provides an opportunity, for example, to deal with issues for all Canadians who are blind or partially sighted or all Canadians who are deaf or hard of hearing. What it would bring is a certainty, a consistency and a uniformity to all rulings with respect to accessibility that come from administrative tribunals in the federal context.

I reflect for a moment on the consultation process that was used to inform Bill C-81. I think it's worth remembering that the process excited the imaginations of people with disabilities in this country. It raised expectations. It dealt with a sea of frustration and emotions and the marginalization that people with disabilities have had in this country for 50 years or longer. It also excited the imaginations of those who advocate on behalf of people with disabilities. There was a sense that things could change, that things would change. This represented an incredible opportunity to make long-needed change and to have much-needed recognition.

In recognizing that Bill C-81 has fundamental application to significant areas of life for people with disabilities—I'm thinking about the federal jurisdiction in transportation, communications and banking—we must also recognize that there is a strong business case for accessibility. The Conference Board of Canada suggests that getting accessibility correct in the workplace could have a positive \$16.8-billion impact on the Canadian economy. In 2013, the panel on labour market opportunities for persons with disability reported that despite an aging population and a looming skills shortage, this significant talent pool of persons with disability is being overlooked.

Now let's look at the intersection of the business case and the moral imperative.

Bill C-81 is proposing a framework from which to discuss disability and accessibility. It recognizes the need to create and apply standards to deal with a social reality. At the same time, it implies a business cost—buildings, spaces and services require resources—yet it also implies that the needs of an often unconsidered yet growing cohort need to be given top priority.

● (0925)

The creation of best practice standards will inform the practices in all jurisdictions.

In my experience in accommodating disability, I have found that human rights commissions and the courts aim to resolve inaccessibility based on what is reasonable and the best practice. Fundamentally, I am saying it will be difficult to ignore the existence of well-reasoned research and well-reasoned arguments on accessibility standards, particularly when those standards have application throughout Canada.

I believe that human rights commissions, labour standards, and health and safety organizations will regard Bill C-81, the work of the Canadian Accessibility Standards Development Organization and the work of the accessibility commissioner as giving significant guidance to the work those agencies are currently doing on the ground, on the front line, in provinces and territories. There's a significant political and economic influence, then, that will be available through the wise actions of the incumbent accessibility commissioner.

It has been said that disability is "the last bastion of prejudice". Bill C-81 offers a substantial support against that notion. It affirms and supplies teeth to the notion that people with disabilities deserve equal moral consideration.

Bill C-81 in part legislates the equal moral consideration contemplated in the Universal Declaration of Human Rights and the Convention on the Rights of Persons with Disabilities.

Article 9 of the CRPD requires Canada to identify and eliminate obstacles and barriers for persons with disability. Bill C-81 partially meets the obligation of these commitments, and it amplifies the need for equality, fairness, equity and the respect for human dignity that exists in all human rights acts and codes in this country.

Fundamentally, accessibility is crucial to the inclusion of citizens with disabilities in the social, cultural and economic life of our country. Increasing accessibility in buildings, businesses, and the public and community spaces we all use makes good sense from a business perspective. It is also a best practice for inclusion of people with disabilities, so that all people in Canada are able to participate to the fullest extent in the life of Canada.

We need a barrier-free Canada. We need legislation to ensure a barrier-free Canada and to eliminate these barriers faced by people with disabilities currently. I believe the legislation is a significant and bold step for a better future for Canadians with disabilities.

Thank you for allowing me to make this presentation to you this morning, and for your time.

• (0930)

The Chair: Thank you very much, sir.

We are going to get started right away with questions.

This is just a reminder to my colleagues that we have a very hard stop at 10 o'clock, as we need to be in our seats shortly thereafter.

First up is MP Diotte.

Mr. Kerry Diotte (Edmonton Griesbach, CPC): Thank you, and thank you to both of you for coming here to try to shed some light on something.

As an able-bodied person, I'm always interested in real-life examples of what specific issues or day-to-day challenges people with disabilities have, because that's what we want to get to through all the bureaucratic talk and the legalese.

Starting with Mr. Folino, I'm wondering if you could describe some of the day-to-day challenges faced by people with visual impairment, and those with deaf impairment as well. I'd like you to

give a specific example, so that the average person who does not suffer impairment can better understand.

Mr. Frank Folino : *[Interpretation]* Certainly. Thank you for your question.

We face many barriers and challenges on a day-to-day basis. Often sign language interpreting services, for example, are not readily available for job interviews or various other services that we're trying to access. Often businesses or government departments are denying services or are unaware that they are to provide sign language interpreters and that it is our right to get sign language interpreters.

For example, a deaf person may want to go to a concert. They've requested an ASL or an LSQ interpreter and they've been denied. We're often fighting to remove those barriers. That's frustrating for deaf people.

In another example, a deaf person may go to the CRTC proceedings. Sometimes they don't provide interpreters for a public hearing. I may want to attend as a citizen of Canada and access what is being said, just like my other colleagues, friends or peers who are not deaf and who can attend these public hearings for the entire week. I, on the other hand, have been told that I have to rely on transcripts. We're not equal participants in terms of accessing that information.

Another example is when I'm travelling. I may not be aware that a gate has changed or there's a delay in a flight. There's no LED system, so I may miss my flight. That causes more stress on a deaf individual. I can share many other examples.

Jim, do you have any?

Mr. James Roots (Executive Director, Canadian Association of the Deaf) : *[Interpretation]* Yes. For example, I went to vote on Monday. Four people were talking to me and blocking my way. I said, "I'm sorry; I'm deaf. I don't understand." They continued to talk to me, and I said again, "I'm sorry; I'm deaf." I gave them my card and showed them my name. They again spoke to me and pointed to the left. I still didn't know what they were saying.

I went to the area with the ballot, but I wasn't sure where to get my ballot. They pointed to one table, and I said that there was no one sitting there. They said, "Oh, yes." Again their mouths moved, but I couldn't understand.

I had to stand in front of a table. There was no person there. I was waiting and I thought, "Am I in the right place? I have no idea. Is this where I get my ballot?" Finally, somebody appeared and I asked for my ballot. Again, they were moving their mouth, talking. I said, "I don't understand; I'm deaf."

That whole experience was quite frustrating for me. I looked like a fool.

• (0935)

Mr. Frank Folino : *[Interpretation]* If you don't mind, I would like to add one more.

If there's an emergency alert, an attack, a tornado or a hurricane, we have to be prepared to evacuate and we need emergency preparedness mechanisms that are accessible to us.

When you're providing announcements at the federal level, you should have sign language interpreters available. This is common practice in the U.K., France, Australia and the United States. We are so behind. If you have an interpreter for any public announcement, then you're reaching our audience in ASL and LSQ, and they know that they need to be prepared in order to evacuate or avoid a certain catastrophe.

If ASL and LSQ are recognized as a language for deaf people, that will enable accessibility to communication and will meet our needs across Canada.

Mr. Kerry Diotte: Those are great examples. I think that's really useful. I thank you both for providing those.

The Chair: You have about 20 seconds.

Mr. Kerry Diotte: Mr. Folino, you talked about how everyone who receives federal funding must comply with accessibility legislation. Can you elaborate briefly on that concept?

Mr. Frank Folino : *[Interpretation]* Certainly. I can start, and then Mr. Roots can add.

In any funding that's provided, if they stay stagnant and they don't follow the accessibility act.... If they want to remove barriers, for instance, and you allot any funding within that procurement process, they need to prove that they're ensuring that things are being made accessible. You need to follow up and ensure that it's regulated so there is that change.

There should be an annual report from the commissioner measuring those changes and seeing where there are gaps. Then fill in those gaps and invest in those areas to ensure that everything is accessible to meet those needs. That's the reason we need those timelines in place.

Mr. James Roots : *[Interpretation]* If you give public funds to CBC, for example, it means that CBC needs to comply and needs to be accessible. As they are an employer, any content that they provide has to be accessible. With broadcasters on TV as well, it needs to be accessible. It could mean that there's captioning and I have access, but then on the website, cbc.ca, the same programming doesn't have captioning, so there's a barrier there. It's the same program.

There's a loophole. We would like to see Bill C-81 resolve those loopholes, close those gaps and remove the barriers.

The Chair: Thank you very much.

MP Long is next, please.

Mr. Wayne Long (Saint John—Rothesay, Lib.): Thank you, Mr. Chair.

Good morning to our witnesses.

The testimony continues to be very, very informative.

Mr. Roots and Mr. Folino, I'm so sorry for the challenges you faced this week on the voting. That's not acceptable, and our hope is that Bill C-81 will go a long way to removing and tearing down those barriers and opening up your worlds.

Mr. Arnot, thanks for your testimony. My first question is to you.

The underlying theme, from the comments we have heard about timelines and reporting in the study thus far, seems to be one of concern regarding insufficient accountability mechanisms.

Contrary to an assertion made during the previous session, the accessibility commissioner would be required to report to Parliament by submitting an annual report to the minister, who is then required to table that report in Parliament.

In addition, clauses 131 and 132 also require independent reviews of this legislation: after the first five years under clause 131, and every 10 years thereafter under clause 132.

Mr. Arnot, based on your experience in Saskatchewan, are these accountability mechanisms adequate? Can you also suggest ways that they could be improved? Thank you.

● (0940)

Mr. David Arnot: Focusing on the role of the accessibility commissioner, I believe that person could interpret their role in a very significant way, which would continue to educate all Canadians.

The mechanism of reporting to Parliament could be accelerated if that person were an independent officer of Parliament. That's something that we suggested. It's currently not going to be part of this bill.

I believe that role and those timelines will be adequate. We can learn from them. It's really about the uptake and the support from the community, the stakeholders, that is taken once those reports are made, and making sure that all Canadians have access to the reports, whether it's through social media or other means.

In my opinion, the timelines may be a good start. We'll be informed on whether they're adequate or not by the success of the role of the accessibility commissioner.

Fundamentally, the focus should be on that commissioner making all Canadians aware of these issues. The majority of Canadians, I believe, would like to support the inclusiveness for all persons with disability, but there are many unintended consequences. We see that in the built environment and the to-be-built environment. There are big issues on transportation, provincially and municipally, that need to be addressed, because transportation is a barrier for a person whether they need to seek employment or get to employment or get to health care, education, etc.

I want to reiterate a point that was made earlier on voting. Voting municipally and provincially is a huge issue. The barriers are significant, and they haven't been cured. Again, we need a systemic response to those—

Mr. Wayne Long: I want to jump in on the voting, Mr. Arnot.

Mr. David Arnot: Yes.

Mr. Wayne Long: Mr. Roots' testimony was compelling. You could feel the frustration. I witnessed something very similar in my riding of Saint John—Rothesay a few weeks back. What can we do to improve that?

Mr. David Arnot: I think that can be accommodated in many ways for people with visual or hearing disabilities. There's no undue hardship. There's no argument that works for the discrimination that occurs against Canadians with disabilities trying to exercise such a fundamental right.

It's a big issue in Saskatchewan, municipally and provincially. It continues to be so. We have some litigation in Saskatchewan dealing with those very issues, but having spoken to the disability community, I would say it's very clear that those impediments still exist. The excuses that are put forward are not adequate, because fundamentally the resources are available to accommodate those who have disabilities and who are impaired in their ability to vote, in my opinion.

Mr. Wayne Long: Agreed. Thank you for that.

Mr. Arnot, a number of our witnesses on both this panel and previous panels talked about the language in the bill and thought it ought to be and could be more prescriptive, rather than simply enabling. Can you point to some examples of where and how we can amend the bill to address those concerns?

Mr. David Arnot: Quite frankly, I wouldn't be able to do that now. I'd have to address that in writing to you later.

Mr. Wayne Long: Thank you.

Mr. Folino, it was great to meet you in my office. I think it was two weeks ago. We had a great conversation.

One of the topics we talked about was the composition of the board, CASDO, and how many people with disabilities should be on that board. We talked about 50% plus one, and then you proposed two-thirds, or 70%. I know Jewelles Smith was in earlier and talked about how she wanted 100%, but we said 70%.

Can you and Mr. Roots elaborate on how important it is, and in particular how subclause 23(2) could maybe be reworded to—

• (0945)

The Chair: You're way over, I'm afraid. Maybe we can come back to that question. I apologize.

We're going to have to move on to MP Hardcastle, please.

Ms. Cheryl Hardcastle: Thank you, Mr. Chair.

Mr. Arnot, I'd like to hear you expand a little bit on your thoughts with regard to the accessibility commissioner. You stated earlier that this commissioner should have statutory rights to intervene in other bodies and in decision-making.

We've also heard concerns about the splintering of enforcement by different entities, and perhaps the accessibility commissioner should have the mandate for all enforcement. I just wonder if you can expand on your mindset about the intervention rate that you think is important. Is that based on observations and past experience?

Mr. David Arnot: It is. In the Saskatchewan context, there are a number of organizations that can rule or have input into human rights issues, which leads to inconsistency and non-uniformity.

I was suggesting that the accessibility commissioner should have a statutory base to make representations not only to the human rights tribunal but also, more importantly, to the CRTC, the Canadian

Transportation Agency and any other agency that's dealing with accommodation issues. Why? It's because if they're allowed to intervene, call evidence and then make legal arguments, there's a greater opportunity or chance to have a certainty, a consistency and a uniformity at very early stages, rather than to rely on appeal mechanisms to try to cure problems in those areas, which are inherently costly and time-consuming.

The best way to do it is at the initial hearing. That hearing occurs in various administrative tribunals in the federal regime, but certainly the CRTC and the Canadian Transportation Agency come foremost. The way to do that is to allow the accessibility commissioner to intervene. Intervention would mean the ability to call evidence and the ability to make legal argument.

It's really about providing uniformity without having splintering and competing administrative tribunals with different views. The fastest way to get to consistency is to let someone like the accessibility commissioner intervene at the earliest instance to provide that uniformity.

Ms. Cheryl Hardcastle: Thank you.

Mr. Chair, do I have a minute or two?

The Chair: You have two, almost three.

Ms. Cheryl Hardcastle: Maybe I can ask this of Mr. Folino and Mr. Roots.

We're talking about this idea of being able to make complaints, and you heard Mr. Arnot talking about uniformity. Can you talk about how you think we should be improving this bill and about how it is fragmented right now? As it appears right now, there are different departments—different entities, let's say—for making complaints. There are even exemptions that can be made with no appeal process.

Do you have some observations for us?

Mr. Frank Folino: [Interpretation] Certainly. We need to resolve issues efficiently and quickly. We don't want any delays. We don't want deaf persons or people with disabilities unsure of where they should go. There should be one door, one entry point and one person to collect all complaints. The commissioner officer should be responsible for ensuring that complaints are dealt with in a timely manner and are given to the right area.

The bill isn't currently clear about the complaint process. There may be a complaint about an accessibility standard, but what about a complaint against a group—for example, the CRTC? They haven't provided ASL or LSQ interpreters, for instance, in their hearings. Do we enter that same entry point? Do we complain to the accessibility officer and then they ensure that it's dealt with in a timely way?

Also, we need to make sure that these complaints can be received in our native language, in ASL and LSQ. I need to be able to express my complaint in sign language and send it by video in my language instead of in written English or French. In Europe they are already advanced. They have set up that system. It would be nice if we could follow suit.

• (0950)

Mr. James Roots : *[Interpretation]* Bill C-81 is currently a bit confusing in terms of where these complaints go. Some complaints may go directly to CRTC, the Canadian Human Rights Commission, CTA or then, fourth, to the accessibility commissioner officer.

Maybe I'm wrong, but it seems that they make a distinction between an accessibility complaint and a discriminative complaint. How is the accessibility complaint not discriminative? I don't understand that at all.

The Chair: Thank you.

Go ahead, MP Long, please.

Mr. Wayne Long: Thank you, Chair.

Again, thank you, Mr. Folino and Mr. Roots, for your passion, leadership and advocacy on behalf of people with disabilities. It's truly impressive and obviously much needed.

Mr. Folino and Mr. Roots, I want to go back to you with respect to the composition of the board. We talked in my office about 70%. As I said, Ms. Jewelles Smith was talking about maybe 100%. Can you give us your thoughts as to how that board should be composed?

Second, if there are amendments to subclause 23(2), potentially with different wording to make sure that people with disabilities are represented and potentially so that people with disabilities in every disability group have representation in some way, can you elaborate, Mr. Folino and Mr. Roots, on your thoughts?

Mr. Frank Folino : *[Interpretation]* Sure. We strongly recommend that there be a minimum of two-thirds representation of people with disabilities and deaf persons in the group, because they have lived experience and they are the experts. They know what the barriers are and can help consult in terms of developing the standards to ensure that we have a barrier-free Canada.

We need that diversity on the board, and we need a minimum of two-thirds. Jewelles said 100%, yes, and would maybe go down to 70%.

That's how we can meet the needs and ensure that we have a barrier-free Canada.

Mr. James Roots : *[Interpretation]* Jewelles and I both strongly believe that the board should be 100% representative of the experts, but other organizations have convinced us to negotiate and agree to two-thirds.

It is important. Other organizations start with a request for 50% plus one. We strongly oppose that suggestion. We have lots of experience with various other boards and organizations and committees and staff that decided that 50% plus one was good enough, but what happens is that the disabled people then get further marginalized and pushed away. The non-disabled people take over control and then change the regulations or the rules to fifty-fifty. This

means the disabled can be outvoted and they've lost their power and their authority.

We've seen that time and again. I've seen it happen within the disabled organizations themselves. They have a mixed board of 48% non-disabled and 52% disabled. They never advance their issues, and then eventually they get voted out.

If it's 70%, it won't be so easy to beat us.

• (0955)

Mr. Wayne Long: Thank you.

Mr. Arnot, do you have anything you want to contribute with respect to the composition of the CASDO board?

Mr. David Arnot: The default position would be to make sure you're hearing and ensuring the lived experience is understood. As pointed out by one of the committee members earlier, persons without disabilities don't fully understand the impediments and barriers put before them. I would certainly have no hesitation saying that two-thirds would make reasonable sense, as we've heard earlier.

It's ensuring that the board studying those standards or overseeing them would fully understand the lived experience. The best way you could do that is for your committee to make that recommendation. Working with people with disabilities, I know the frustration they feel on a daily basis because of the non-understanding, the sea of ignorance that exists in Canada about these issues. It needs to be addressed in the most effective way possible. "The maximum" would be my short answer.

Mr. Wayne Long: Thank you for that.

Mr. Folino, sometimes I get concerned when I hear from businesses and stakeholders in my riding, sometimes from some of my Conservative friends, that there's too high a cost of doing this, of moving forward.

I'd like to argue that there's a cost of not doing this. I can speak at length about a shopping mall that opened better access to people with disabilities. Their businesses thrived because there's a major market there.

Mr. Folino, can you talk to me and discuss how there shouldn't be a cost to breaking down barriers and opening up access?

Mr. Frank Folino : *[Interpretation]* I understand there's a cost to access. There are strategies or ways to address that. For example, if you want to support removing barriers in Canada, there are tax credit incentives for businesses if they are fully accessible. If you promote it in that vein, then we are investing in our Canadians and in Canada.

If you invest to ensure that change happens, everyone will benefit. Europe has a great tax incentive for accessibility to support that economy to address those changes and move those changes forward. Cost should not be a concern. There are ways to address it.

Another example is public and private organizations and government sectors working together as P3s, investing together to remove these barriers. There are lots of ways. We should not be afraid.

The Chair: Thank you.

As I stated earlier, we have a very hard deadline today, so I'm afraid we have to wrap up. Thank you very much, everybody, for being here, and thank you to the committee.

The meeting is adjourned.

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