

SUBMISSION

BY THE

ONTARIO FEDERATION OF LABOUR

TO THE CONSULTATION BY

**THE MINISTRY OF CITIZENSHIP
AND IMMIGRATION**

REGARDING

**ONTARIANS WITH DISABILITIES
ACT, 2001**

February 2004

The Ontario Federation of Labour (OFL) welcomes this opportunity to share its views with the Minister of Citizenship and Immigration concerning the important need for an effective *Ontarians with Disabilities Act*.

The OFL constitutes the largest provincial federation of labour in Canada. The 600,000 members of the Ontario Federation of Labour are drawn from over 30 unions. Our members work in all economic sectors and live in communities across

Ontario, from Kenora to Cornwall and from Moosonee to Windsor.

Since our founding in 1957, we have sought to improve the economic and social conditions of workers and their communities. The labour movement does this in two ways: through collective bargaining and by working for legislation that improves living and working conditions for all in our society. This is in the best interest of workers, employers and the wider community.

Labour's understanding of the challenges facing increasing numbers of Ontarians with disabilities evolves from a number of perspectives:

- 1) our members who have been out of work due to being injured in the workplace and face difficulties in attempting to re-enter their workplaces;
- 2) our members who now or in the future may find themselves with some form of disability which will require some modification to their working and/or community environment;

- 3) persons with disabilities who have not been in the paid workforce because of a lack of accommodation and/or prejudice about hiring persons with disabilities;
- 4) our belief that increases in injuries reflect the human cost of changes in the pace of production in Ontario's workplaces and
- 5) the incidence of disabilities increases as our population ages.

As early as 1963, an OFL convention called on the Ontario government to enact legislation that would encourage industry and other employers to hire persons with disabilities as part of their work force.

The previous Conservative governments (1995-2003) had little interest or commitment to the need for an *Ontarians with Disabilities Act*.

Despite our misgivings, we did bring together a number of our affiliated unions for a presentation

and discussion with the then Minister concerning their government's 1998 discussion paper *Preventing and Removing Barriers for Ontarians with Disabilities*. The OFL presentation put forward a number of points which we felt must be in any *Ontarians with Disabilities Act*. These points are still relevant today:

- 1) The law should have broad coverage covering both private and public sectors.

- 2) Central to the success of this legislation is a strong enforceable component. Enforcement must be mandatory.
- 3) The enforcement should be the responsibility of a separate agency. This agency would also provide assistance to develop plans, conduct research and develop and implement education programs, conduct investigations, receive and initiate complaints, and provide mediation services to employers and unions.

4) The law must require the development of plans of action. These plans must identify barriers to recruitment, promotion and training in workplaces and barriers in the wider community which prevent Ontarians with disabilities from playing a full role in their province. The plans must set out the methods and practices to remove the barriers and set goals with timetables to achieve these objectives.

5) The development and implementation and monitoring of plans in workplaces must fully involve the union(s) in that workplace and be bargained by employers and unions in each workplace. In non-unionized workplaces the legislation would require employers to consult with employees and post plans.

The OFL was not invited to the next round of “consultations” in 2000.

Discussion on the need for an effective *Ontarians with Disabilities Act* was part of the debate at our December 2001 convention which endorsed the policy paper *Persons with Disabilities - Labour's View*. It was also part of a series of OFL organized conferences on Disabilities Rights which were held across Ontario in 2002-2003. Our delegates know the *Ontarians with Disabilities Act, 2001* is a very flawed piece of legislation. It reflects the political unwillingness of the previous Conservative

government to involve Ontarians in this process and to draw on their experience and expertise.

The creation and implementation of an effective *Ontarians with Disabilities Act* is an immediate need. Your government has lots of relevant work and experience which can be drawn into this process. Examples include the experiences surrounding the 1989 Ontario Human Rights Commission's *Guidelines on Assessing Accommodation Requirements for Persons with*

Disabilities and the March 2001 policy *Guidelines on Disabilities and the Duty to Accommodate*. There is the wealth of research and insights resulting from the implementation of Employment Equity in Ontario's workplaces in the early 1990's. There is the extensive Return to Work experiences which deal with the return of injured workers to their workplaces across Ontario. We urge you to act quickly to give Ontario a meaningful law.

The Act talks about “accountability” of public sector institutions in developing local plans but what does this really mean - a press release, a posting on a website, a tabling of a report in the legislature, municipal council or board of directors meeting? What are the forums for the public to discuss the report? Will the report be a public relations “feel good” exercise or an accurate reporting of what has been accomplished to date and what still needs to be done.

A most obvious shortcoming is the coverage of the Act. Ontarians with disabilities face barriers in all sectors of our society. Yet, the Act limits itself to the creation of plans for barrier identification, removal and prevention in the public sector and broader public sector. The then government's line was that the private sector would be dealt with in the future because the Act would give the government the ability to alter the coverage of the guidelines. This is unacceptable. All sectors and workplaces need to be included.

In closing, we urge your government to introduce an *Ontarians with Disabilities Act* which will remove all barriers now faced by persons with disabilities in workplaces and communities. The tools, experience and know-how is there. Mandatory legislative requirements, as outlined here, will help make Ontario accessible to all.

Respectfully Submitted,

THE ONTARIO FEDERATION OF LABOUR

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