

OCSCO's Response
to the Ontario Human Rights Commission's
Discussion Paper on Accessible Transit Services in
Ontario

June 30, 2001

INTRODUCTION

The Ontario Society (Coalition) of Senior Citizens' Organizations (OCSCO) is committed to the full participation of Ontario's seniors in the activities of the province. We recognize that accessible transportation is central to full participation. We therefore consider this issue a top priority and urge all levels of government to take the long view and start implementation of legislation that leads to full accessibility. Even from the perspective of cost effectiveness, it is far more efficient to make systems accessible in the beginning rather than retrofitting them later.

We commend the Ontario Human Rights Commission for releasing their Discussion Paper on accessible Transit Services in Ontario, and for inviting submissions.

In this response, we will deal with the following:

- Background Information on OCSCO
- Transit and the Human Rights Code
- The *Ontarians with Disabilities Act*
- The Demographics Imperative for Accessible Transportation
- The National Framework on Aging Principles
- Dealing with the System

We have consulted our members: the italicized words are all from seniors who are disabled.

A. BACKGROUND INFORMATION ON RESPONDER

OCSCO is one of the largest seniors' organizations in the province with 135 member organizations representing over 500,000 older adults. OCSCO's mission is to improve the quality of life for Ontario's seniors through offering educational programs, policy and research, information, referral and counseling, research materials and outreach. OCSCO has completed projects for five Ontario Provincial Government ministries on topics such as long-term care, disability issues, housing, leadership and multiculturalism. OCSCO is dedicated to providing the opportunity for seniors to become involved and participate in society. Activities undertaken regularly by OCSCO include:

- providing public education such as workshops and forums which educate seniors on issues concerning their quality of life
- offering information, referral and counseling to thousands of seniors
- undertaking policy development on issues affecting the quality of life of seniors
- outreaching to seniors and community groups across Ontario on needs/concerns of seniors
- participating in community and inter-generational alliances to build mutual support, educate, develop public policy, improve communication and develop partnerships
- conducting specialized programs in computer training, cross cultural programs, group work, health promotion, older worker programs, speakers bureau, volunteerism and others
- researching and taking action on issues identified by the membership

B. TRANSIT AND THE HUMAN RIGHTS CODE

Inclusiveness and the duty to accommodate should be guiding principles in the area of transportation in general. It is worthwhile to remember that the code upholds the right to accessible transit services of persons with disabilities, older persons and children and parents with young children .

*I feel bitter about the repetition of “the duty to accommodate persons with disabilities...has been repeatedly upheld by the Supreme Court of Canada...”
Why haven’t provincial governments been charged and taken to court?*

When planning new systems of transportation, we would all gain if attention were paid to the fact of an aging population. Such items as low floor buses, accessible subway stations, larger road signage, longer light timing, lower curb height, better road and highway design would be regularly used to accommodate the special needs of people with limitations relating to mobility, vision, hearing etc. It is more cost-effective to design the systems like this from the start, rather than having to retro-fit them at a later time.

It is very difficult to ‘retrofit’ an elevator into an old (subway) station and there are many architectural reasons...it looks simple, but the stations were just not built for elevators.

In the carrying out of this legal duty, we urge other levels of government to assume some of the costs. Expecting a municipality already staggering under the downloaded responsibilities to also foot the bill for this item is impossible.

So “dedicated provincial funding to implement accessible plans IS NO LONGER AVAILABLE” and some municipal plans were abandoned altogether. ...And the voice of the disabled...is unable to do mass protests because we are DIS-Abled. It is like aging...what you can't see you can safely ignore.

C. THE PROPOSED ONTARIANS WITH DISABILITIES ACT (ODA)

A Bill was introduced in the provincial legislature in October 1998, and did not become law. Passage of the ODA is vital to make progress in the whole accessible transportation issue.

1. Reasons why the act is important

Passage of the act would demonstrate the intention to get serious in the area of transportation as well as other barriers. It is important to remember that passage of this bill would benefit not only persons with disabilities, but also seniors, parents with young children, and people suffering temporarily from mobility losses.

Ontario has no legislation (not even guiding principles or standards). So municipalities have a wide range of (unenforceable) ideas goals and objectives. An enforceable, effective ODA would solve that problem but municipal officials know that it costs money- money they don't have or money they would rather spend on other 'more pressing things' ...

OCSCO agrees with the *Ontarians With Disabilities Act* Committee's principals in relation to this bill. The following principals, the ones that can be related to transportation, provide the roadmap for progress, namely:

- 1) the purpose of the ODA would ensure that the 1.5 million people with disabilities in Ontario have the equal opportunity to fully and meaningfully participate in all aspects of life in Ontario by removing existing barriers confronting them and preventing the creation of new barriers.
- 2) the act should supercede all other legislation, regulations or policies which either conflict with it or provide lesser protections and entitlements to person with disabilities
- 3) the act should require the providers of goods, services and facilities to the public to ensure that their products are fully usable by persons with disabilities. This should apply to providers of transportation
- 4) the act should outline the steps to achieve barrier-free access within prescribed time limits.

- 5) The act should provide for a prompt and effective process for enforcement.
- 6) An open process of regulation making that defines the steps required for compliance should be established, including a requirement that input be obtained from affected groups.
- 7) The act should require the government to make it a strict condition of funding any program, or purchase of service that they be designed to be fully accessible to persons with disabilities.
- 8) The act must have real force and effect.

With such an act in place, the foundation of real progress in the area of accessible transportation would take place. Standards would be set, and municipalities would have goals which they would have to meet. The whole issue would not be left to the discretion of local councils.

Re the Discussion Paper's statement: "Transit providers have a legal obligation to provide accessible transit services" a user says:

Fine words, but only rhetoric if there are no teeth behind them for enforcement. Planning is a fine word. Implementation is another.

2. Proof that enactment of this legislation makes a difference

The 1990 Americans with Disabilities Act (ADA) has succeeded in mandating that all conventional public and private transportation vehicles and facilities be barrier free and that public transit operators provide paratransit service

It has been shown by the American Disability Act that it costs a mere 0.5% to make new buildings fully accessible if they are included at the planning stage.

D. THE DEMOGRAPHIC IMPERATIVE FOR ACCESSIBLE TRANSPORTATION

The population of seniors over 65 is expected to increase to five million by the year 2011.

While older adults continue to rely on their automobiles for transportation, their driving skills may decline with age or deteriorating health. According to the *Council on Aging*, 70% of Canadians aged 55 and over have a driver's license. With age come slower reflexes, chronic conditions such as arthritis, and diminished hearing and vision that can make driving more difficult. A number of invisible handicaps like lung and/or cardiovascular problems may result in seniors not having the stamina to use regular public transport, but still not entitling them to have specialized services.

Changes can include increased use of public transportation.

More and more of our population will look to community transportation options, at a time when 2/3 of Ontario's cities do not even have a plan in place to eventually become accessible.

Even accessing existing services takes time and patience:

*With Wheeltrans, I get up at 7:10 AM the day **before** I need a ride to call them. I expect at least a 10 minute dialing to get through and 20 minutes is not unusual. Half an hour's wait is not unusual for the pick-ups...*

E. PRINCIPLES OF THE NATIONAL FRAMEWORK ON AGING

In 1994, the Federal/Provincial/Territorial Ministers Responsible for Seniors proposed the development of a National Framework on Aging (NFA) to assist them in responding to the needs of the senior population.

The vision of the NFA is worth repeating: "Canada, a society for all ages, promotes the well-being and contributions of older people in all aspects of life, promotes the wellbeing of seniors, recognizes their valuable contributions, and reflects the goals of elimination of ageism in all sectors. It lays out the current challenges and the desired outcome and direction of efforts applicable to all policy areas."

The principles associated with the NFA should guide the actions by which its Vision will be achieved – they reflect the core values, and need to be considered together as they are interrelated in promoting health and wellbeing of seniors:

- Dignity
- Independence
- Participation
- Fairness
- Security

Each one of these principles requires that attention is paid to accessible transportation.

Citizens who cannot access proper transportation are unable to function to their full capacity in Ontario society...Not only can they not get to medical appointments, they cannot engage in work, education, social or religious events, sports, etc.

Without adequate and affordable transportation, a senior loses her independence, does not have the means to participate in activities outside her home, loses the chance to participate in social activities, and can actually take transportation means that are unsafe, or suffer isolation.

F. DEALING WITH THE SYSTEM

Toronto

We have let users speak for themselves in the following section, naming their issues:

1) Bus Services: changes needed

Issues: priority seating, driver training, and buses coming to a full stop

A user says:

There must be priority seating for disabled passengers. You can make conventional bus services more accessible, but what use is it if the drivers are not trained or allowed to take the time to stop the bus and assist the needy passengers, and to not start the bus until that passenger is seated? The disabled passenger should not have to get up when they want to leave the bus until the bus comes to a full stop. Buses always sway when the brakes are on and the bus stops. Passengers lose their balance.

Re. TTC Low Floor Kneeling Buses

Issue: driver's tight time schedules

Because of their tight time schedule, bus drivers are reluctant to lower the floor. It takes time and driver skill to lower the kneeling bus and return the floor to normal. This is an administration/people problem.

2) Access to Paratransit

Issue: transportation for people with mental disabilities

I was in a Wheeltrans taxi that picked up a woman who appeared to have mental illness. The woman sat in the front seat and persistently harassed the driver, being verbally abusive and pushing his arm several times. We (other passengers & speaker) were scared of what she might do next. We suggested to the driver that he take the woman home before he took us home, even though she was farther away, and he was only too happy to comply.

Issue: being accepted

The first time I applied for it, I got turned down. One of the reasons mentioned was: "Your daughter takes you about." Well, thank heavens you can appeal. I told them my daughter works, and is not available all the time for all these doctor and hospital appointments. I got a wonderful letter, after that, welcoming me on.

3) Taxi Service

Issue: proper seating in the cab

It is very common practice for Wheeltrans to squeeze three disabled people into the back seat of a small sedan taxi. Often, the front seat is pushed back... Most of us do have disabilities in our legs and it causes pain and a great deal of discomfort to be squeezed in the back seat like that... I have been with passengers who cried with pain because there was no room for their arthritic legs.

4) Subway Stations

Issue: lack of accessible stations

You get down into a subway station but can't get out when you need to- so in reality the subway is next to useless to you because you have to surface at the accessible station, which is not where you have to go.

5) Go Transit

Issue: Go buses are not really accessible

Go transit accessible buses are only accessible to those in wheelchairs. Because I use a walker and walkers cannot be secured on the 'elevator-lift' on the Go Buses. If I can't pull my body up the front steps I cannot get on the Go transit Accessible buses.

Outside Toronto

1) Issue: Drivers

After my heart attack and stroke, I had to use a walker, and apply for Handi Transit. I was leery at first. But you don't have to worry: nobody has to worry. We have two of the most gentlemanly drivers in the world. Last Christmas I had a plaque made for the drivers, in deep appreciation of their courtesy, kindness, willingness to help whenever needed. They were quite surprised...

2) Issue: When the vans are overbooked

When the vans are overbooked, we have to take taxis. You pay for that yourself, and it gets expensive.

CONCLUSION

The issues raised by the *Ontario Human Rights Commission* in January 16, 2001's 'Discussion Paper on Accessible Transit Services in Ontario' are important ones. They address the ability of people with mobility problems to participate fully in the life of the province. Since the Human Rights Code already guarantees the right to equal treatment in services, including transit services, municipalities should be assisted in making this goal a reality.

Passage of an Ontarians with Disabilities Act would provide the momentum to the remaining municipalities to develop plans for full accessibility. Financial assistance from both the national and provincial levels of government would give hard-pressed municipalities the resources to achieve that goal.

Even when accessible transportation is offered, improvements can always be made in driver training, access to the system, and improved vehicles.