



ONTARIO RESTAURANT HOTEL & MOTEL ASSOCIATION

**Submission to the Standing Committee on Social Policy
Bill 118: Accessibility for Ontarians with Disabilities Act**

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Good afternoon Mr. Chair, Members of the Committee:

My name is Terry Mundell, and I am the President & CEO of the Ontario Restaurant Hotel & Motel Association. I am joined today by my colleagues Fatima Finnegan, Manager of Education and Professional Development, and Michelle Saunders, Government Relations Advisor. It is my pleasure to have the opportunity to speak with you this afternoon regarding Bill 118, the *Accessibility for Ontarians with Disabilities Act*.

The Ontario Restaurant Hotel & Motel Association (ORHMA) is a non-profit industry association that represents the foodservice and accommodation industries in Ontario. With over 4,100 members province-wide, representing more than 11,000 establishments, the ORHMA is the largest provincial hospitality industry association in Canada. Ontario's hospitality industry is comprised of more than 3,000 accommodation properties, and 22,000 foodservice establishments.

The ORHMA was pleased to participate in the ministry's consultations for this piece of legislation and supports the intent of the *Accessibility for Ontarians with Disabilities Act*. The ORHMA urges this Committee and the Government to proceed cautiously taking into consideration the varied realities of the business community as well as the uncertainty that will continue until all the deliverables of sector plans are fully understood.

For the business community to make investments and to fully support the legislation we need certainty on a number of fronts: certainty that there is clarity and a shared understanding of the meaning of disability and accessibility; certainty that sectors will be defined and identified through an appropriate process; certainty that the

government will support the private sector's efforts in moving toward accessibility; and certainty that the government will ensure that its policies and requirements mesh into a comprehensive vision.

The accepted definition of disabilities, as shared by both Bill 118 and the Ontario Human Rights Code, is daunting and not well communicated outside of government. The average Ontarian has their own understanding of the definition of disabilities, and almost without exception whenever this issue is raised in meetings the question is asked "what does the government mean by disabilities?" The government must engage the public in meaningful dialogue. It is not sufficient that there be a definition of disability, rather it is imperative that there be an *understanding* of disability and disability issues. We need to help Ontarians understand what it is we mean when we use the words disability and accessibility.

Upon passage of the legislation, some of the early work that must be done is the establishment of sector or industry specific standard development committees. The hospitality sector includes the full spectrum of foodservice and accommodation establishments. The ORHMA therefore submits to this committee that consideration be given to how sectors will be identified. For example, there are different operational perspectives for quick service and fine dining establishments. There are different operational perspectives for establishments owned and operated by large chains or independently. There are also different economic realities and issues around access to resources in different parts of the province. And the government must also be mindful of the competitive nature of businesses. The ORHMA is concerned that the process for

identifying sectors has not been laid out, and suggests that this in and of itself will prove a challenging task.

The membership of the ORHMA is comprised from all different segments of the hospitality industry province-wide, from large multinational hotel chains to small rural motels, to quick service, to fine dining, to family-casual restaurants, both chain and independent. Like many industries, different segments of the hospitality industry have varied experiences and therefore differing capacities to address accessibility issues in depth.

As you will all likely know, over the last two years the Ontario Human Rights Commission has examined the issue of accessibility within several high profile fast food restaurant chains. Establishments were audited for elements such as handicap parking spaces, ramps, appropriate counter level heights, legible menu boards, accessible washroom facilities, and appropriate seating arrangements. Over these years these chains have had dialogue with the Human Rights Commission on issues such as identifying and addressing barriers, staff sensitivity training, acceptable design standards, accessibility reporting, and the Duty to Accommodate.

The majority of the hospitality industry is independently owned and operated and may yet require further discussion to fully be able to address the issue of accessibility and meet standards. The government must consider the realities of these operators, such as landlord/tenant agreements or limited access to capital funding that could potentially affect one's ability to meet a standard.

Throughout the hospitality industry, access to capital has been and continues to be a serious concern for operators. In 2004 pre-tax profit rates for the foodservice industry

was 4.3%, and for the pub and tavern sector was 3.7%. These operators simply cannot access capital funding, and the government must ensure that supports are in place to assist the business community in meeting the standards resulting from this legislation.

Accessibility requires vision and dedication. It also requires commitment from all parties. The government must also provide the private sector with the certainty of knowing what is required. A comprehensive review of policies is needed to ensure this. It is currently possible to be in full compliance with the Ontario Building Code but to not be in compliance with the Ontario Human Rights Code. Bill 118 provides another layer of policy and regulation. Furthermore, the authority of municipalities to develop their own standards results in confusion. The business community needs certainty in the fact that there is one set of rules, and that they apply province-wide.

As the Minister indicated in her statement to the Legislature on December 2, 2004, throughout the ministry's consultations they heard from Ontarians with disabilities of the need to include the private sector in the legislation as well as the need for strong enforcement measures. The government must keep in mind that different segments of the private sector are, rightly or wrongly, just beginning to enter into the dialogue. They have different capacities to meet standards. The ORHMA urges the government to focus on compliance and not merely enforcement. This legislation provides inspectors with sweeping powers and sets out significant maximum fines. This should be about true accessibility and compliance, not just focused on enforcement, inspections and penalties. The government must ensure supports are in place to help industries become accessible.

Mr. Chair, in closing, while the ORHMA supports the principles of Bill 118 we suggest to this Committee that the vision of accessibility is only achievable with the buy-

in of the private sector. To truly gain that, the private sector requires certainty that there is but one provincial body establishing one common definition of disabilities and accessibility and one set of rules and standards that apply throughout the province. The ORHMA has concerns with the capacity of the private sector to implement the government's vision as standards and cost implications will not be known until sector plans are complete. For the business community to invest there must be certainty.

The ORHMA looks forward to continuing to work with the government on these issues, and urges the government to immediately engage both the private sector and the public in meaningful and ongoing dialogue.