

**Response to Bill 107:
Human Rights Code Amendment Act, 2006**

LEARNING DISABILITIES ASSOCIATION OF ONTARIO

365 Bloor St. East, Ste. 1004
Toronto, Ontario, M4W 3L4
416-929-4311
www.ldao.ca

LEARNING DISABILITIES ASSOCIATION OF ONTARIO

Response to Bill 107: Human Rights Code Amendment Act, 2006

Summary:

- **At all stages of the complaints process, including the Tribunal hearing, there will need to be adequate time and funding allotted for the accommodation requirements of complainants with disabilities.**
- **We propose that complainants who have disabilities be assigned a case manager/advocate to assist them through the various stages of the process, including investigation.**
- **Disability awareness training should be mandated for the staff at the Human Rights Legal Support Centre and the Human Rights Tribunal.**

The Learning Disabilities Association of Ontario (LDAO) welcomes the opportunity to comment on Bill 107, the Human Rights Code Amendment Act, 2006. LDAO is the provincial association advocating on behalf of and providing support to persons with learning disabilities (LDs) throughout Ontario. The association was originally founded in 1963 to assist parents of children with learning disabilities to obtain access to special education services and supports. In the more than forty years since its formation, the LDAO has expanded its activities and services to include youth and adults who have learning disabilities, in postsecondary and employment sectors.

As part of its mandate LDAO has always responded to government on legislation that affects Ontarians who have learning disabilities. LDAO has participated in many consultations over the last few years regarding the development of the Ontarians with Disabilities Act (ODA), the Accessibility for Ontarians with Disabilities Act (AODA), and

various policy documents of the Ontario Human Rights Commission (OHRC). When an Ontarians with Disabilities Act was first proposed, LDAO took the position that a more proactive approach would be to enhance the capacity of the OHRC to carry out its mandate by providing additional staffing and funding. As the ODA and then the AODA were brought forward for consultation, LDAO continued to advocate for a strong role for the Ontario Human Rights Code and the OHRC. This role is especially important since there is no current mechanism in the AODA for an individual or organization to launch a complaint about non-compliance with an accessibility standard.

In the fall of 2005 LDAO responded to the OHRC consultation “Reviewing Ontario’s Human Rights System”, and in April 2006 we wrote a letter to Attorney General Michael Bryant, outlining our concerns about pending legislative changes to the Human Rights complaints process. As stated in both documents, “Any reforms to the OHRC and the HRTO must maintain the types of supports that vulnerable members of the public require in order to proceed with human rights complaints. For persons with learning disabilities and individuals who are marginalized in society, procedural simplicity is more important than an overly legalized system, which they may not understand. Many complainants would not qualify for the legal aid certificate, and even if they did, the time allotted for legal aid is often not adequate for individuals with learning disabilities who need help with organizing documents and formulating written responses.”

LDAO’s Adult Advocacy Committee and Legislation and Policy Committee were also concerned that individuals who make human rights complaints get supports at the investigative stage. Committee members expressed concerns that complainants could be put at risk doing their own investigations, and that the effects of a disability could interfere with the investigation process.

LDAO commends the Ministry of the Attorney General on listening to public criticism of Bill 107 and developing proposed amendments that address some of the concerns expressed by many groups representing disadvantaged populations. In particular, the amendment that “The Minister would establish a Human Rights Support Centre to provide a range of services including information, support, advice, assistance and legal representation” is a good first step. However, it is not clear whether assistance with investigation of complaints will be included in the mandated role of the legal support centre, and whether services will be totally funded by the Minister.

At all stages of the complaints process, including the Tribunal hearing, there will need to be adequate time and funding allotted for the accommodation requirements of complainants with disabilities. Persons with learning disabilities may require a variety of supports. Receptive and expressive language difficulties may interfere with their understanding of legal processes and ability to present information, and extra time may be needed because of problems with organization, time management and memory. Having materials available in alternative formats will be necessary for all those who have a print impairment.

ARCH Disability Law Centre, in its August newsletter, has suggested that the Tribunal could have a system where accommodation needs are identified at the initial application stage, with a case file manager assigned to ensure that the complainant’s needs are accommodated. We agree with ARCH that the onus should be on the Tribunal to make sure that accommodations are in place once a person’s disability has been identified, and **we further propose that complainants who have disabilities be assigned a**

case manager/advocate to assist them through the various stages of the process, including investigation.

Staff at all levels of the complaints process must be aware of and understand the needs of persons who are socially disadvantaged and/or have disabilities. Persons with disabilities are often socially disadvantaged as well. **Disability awareness training should be mandated for the staff at the Human Rights Legal Support Centre and the Human Rights Tribunal.**

In conclusion, the Learning Disabilities Association of Ontario agrees that there is a need to improve the present process of dealing with Human Rights complaints. However, **LDAO contends that any reforms to roles of the Ontario Human Rights Commission and the Human Rights Tribunal of Ontario must maintain the types of supports that vulnerable members of the public require in order to proceed with human rights complaints, including access to investigation of their complaints and legal representation, and accommodations for the effects of disabilities.** We trust that the Standing Committee will carefully consider what changes need to be made to Bill 107 in order to ensure that the supports outlined above will be available.

Respectfully submitted,

Peter Chaban, Chairperson

Learning Disabilities Association of Ontario