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Accessibility: Legislation and Implementation in Canada and China

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**Accessibility:
Legislation and Implementation in Canada and China:**

**What can Chinese Regional and Local Governments Learn From
Ontario (Canada) about How to Design and Implement Accessibility
Provisions for the Disabled?**

MPA Research Report

Submitted to

**The Local Government Program
Department of Political Science
The University of Western Ontario**

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Abstract

People with disabilities represent a significant and growing part of our population, both in the Canadian and Chinese context. Disability is not only a personal experience but also a public issue of great significance. Enhancing the ability of people with disabilities to live independently and contribute to the society will have fairly positive effects on future prosperity.

This research paper, therefore, provides an international insight into accessibility in both Canada and mainland China. There are totally five chapters. Chapter 1 briefly introduces the research question, important definitions, historical context and research methodology of my research. Chapter 2 mainly analyses the accessibility legislation in both federal and provincial governments in Canada. Especially, the Government of Ontario, Canada succeeds in demonstrating leadership in improving equal rights and opportunities for people with disabilities. They make great efforts to foster an inclusive Ontario by identifying and removing barriers faced by persons with disabilities. Chapter 3, furthermore, provides research results of how local governments implement the accessibility policies and programs and I choose the City of London as a case study. The Chapter 4, from a different perspective, states the current situation and major problems of accessibility in mainland China. Through comparison on those two countries, in terms of awareness, legislation and policies of accessibility, I get a preliminary research result and provide recommendations on what lessons China can learn from Canada about how to design and implement accessibility provisions for the disabled in the Chapter 5.

Chapter 1: Introduction

1. Research Question

People with disabilities and their families have the same rights as other people to access services within the society. Government, therefore, should be fully committed to an inclusive society in which nobody is disadvantaged. An integral part of delivering this commitment is breaking down unnecessary physical barriers and exclusions imposed on disabled people by poorly designed buildings and environments. Benefits that flow from full accessibility are good for the society as a whole. (McColl 2008: 3-4)

Canada has developed accessibility for several decades. Disability is both a personal experience and a public issue of great significance in Canada. From federal government to local governments, from legislation to public policies, from disabled individuals to interest groups, they all in one way or another make efforts to provide fully accessible services and programs to target populations. Especially, Ontarians were the pioneer in building a province of full inclusion. Ontario was the first jurisdiction in North America to have a Human Rights Code and a Human Rights Commission; and these laws and follow-up policies achieved remarkable results. Currently, the Accessibility for Ontarians with Disabilities Act (AODA), 2005 is on its road to making Ontario truly accessible for the 1.6 million Ontarians with disabilities. Under the legislation, municipalities address their own annual accessibility plans to meet the standards of AODA in their regions. The City of London Accessibility Plan, for example, plays a guiding role in implementing the regulatory requirements which were intended to removal existing barriers and prevent potential barriers to the Londoners with

disabilities. In one word, on the basis of a forceful legislation system, accessibility programs and policies are implemented effectively and smoothly in Ontario Canada, although not perfectly.

However, the accessibility of disability programs or other related facility constructions in China falls fairly far behind those in Canada. China does have a series of protection policies for the people with disabilities; but disabled people do not have as truly equal opportunity and ability to access entities as people without disability. The development of accessibility is still at the initial stage. Take the capital, Beijing as an example besides the Capital International Airport wheelchairs can only access a few new business buildings in the CBD. Outside of some bustling shopping malls or stores, we can often see some seriously disabled persons begging, most of whom are kids and seniors. However, a fully accessible World Expo in Shanghai last year brought a new conception of accessibility to Chinese, and prompted disabled people and interested groups to think about this issue in a new way. As a developing country, China started to put accessibility into effect roughly these last 3 or 4 years although the national legislation had already been there for more than two decades; and only fairly large cities began to be aware of the importance of accessibility. Moreover, looking at the disability policy system, scholars found that the network of policies for Chinese with disabilities was not functioning effectively. Gaps in accessibility cognition, service provision, inadequate follow-up programs, insufficient linkages among social programs, and incomplete implementation and supervision systems were among the barriers. (Dong Hua, 2007)

As an MPA student, maybe a further PA manager, I seek to explore ‘What can Chinese

regional and local governments learn from Ontario (Canada) about how to design and implement accessibility provisions for the disabled?’ To address this purpose, I will analyze both accessibility legislation and policy implementation in Canada and examine existing problems and obstructions in China’s related disability protection policies; and provide my recommendations based on my learning experience in Canada.

(The point I have to mention here is that since China is a socialist country where the political and administrative systems are highly hierarchical and unified, the legislation and administration of accessibility are uniform all over the country. In other words, disability legislation is applied across the whole country and; there is no obvious difference in governance between central government and local governments. As a result, I will not distinguish cases or examples between central and local governments when discussing China in Chapter 3 and Chapter 4.)

2. Important Definitions: Literature Review

Accessibility, a concept used in a number of scientific fields such as transportation, information, urban planning and environment, plays an important role in public policy making. Accessibility is defined in several ways, and thus has taken on a variety of meanings. These include such well-know definitions as ‘the potential of opportunities for interaction’ (Hansen, 1959), or ‘the freedom of individuals to decide whether or not to participate in different activities’ (Burns, 1979). It is, in this paper, used to focus on people with disabilities and their right of access to entities.

Fox and Willis (1989: 1), moreover, described the phrase ‘disability’ as ‘a category of social needs and as a threat to personal well-being and family security’. ‘Disability Policy’, in addition, is defined as ‘a convenient and recognizable, though still inadequate way, to characterize interventions that seek to enable people with impairments to live in ways that are personally satisfying and socially useful.’ Therefore, disability policy making is about ‘formulating programs and providing services for people in need who have disabilities or who are at risk of developing a disabling condition’. (Fox and Willis, 1989:6) By contrast, from the perspective of disabled people, ‘disability policy’ is about addressing results and focusing on ‘what people aspire, or could aspire, to do.’ (Prince, 2004: 6) Disability policy making is, according to Prince, about ‘enabling people to function in and contribute to society’ and about addressing ‘what individuals should be enabled to do for themselves and for others’. (Prince, 2004: 7)

3. Historical Context: Accessibility Legislation in Canada and North American

The Disability Rights Movement began in the 1960s in the United States of America, encouraged by the examples of the African-American Civil Rights and Women’s Rights Movements. The disabilities rights movement sought ‘equal access, opportunity, consideration and basic human respect and dignity for those born blind, deaf, or with other forms of physical or mental disability’. (Rogow, 1995:37) The specific goals and demands of the movement are: ‘a) accessibility and safety in transportation, b) architecture, and the physical environment, c) equal opportunities in independent living, d) employment, education, and housing, and freedom from abuse, neglect, and violations of patients’ rights’. (Rogow,

1995:39) As a result of the movement, there were a series of laws and events in USA intended to protect people with disabilities and this then spread to Canada and other countries.

Although, services for people with disabilities developed a long time ago, it was not until the 1970s that Canadians with disabilities formed organizations and lobby groups for demanding and fighting for equal rights. The 1970s represents ‘an era of social change in Canada, of people seeking equal voice and empowerment to effect social and legal changes on aspects affecting their daily lives’. (Peters, 2003: 15) Discrimination based on race, gender, and disability became pivotal arguments presented to government officials by lobby groups. People concerned with discrimination on physical and mental disabilities became involved in fighting for the inclusion of their rights. (Rogow, 1995:41)

One of the most basic human rights is the right to equality in society. Canadians with physical and mental disabilities required recognition of their rightful place in the society – ‘as citizens with equal rights, including the right to choose a way of life and a place of equality within Canadian society’. (Rogow, 1995:45) They fought for the same basic human rights - equality regardless of race, gender, nationality or disability. During the 1970s and early 1980s, events important to the Canada Disability Rights Movement acted as catalysts for change, including:

- Canadian Human Rights Act
- Influence of the American Disability Rights Movement
- Formation of the Coalition of Provincial Organizations of the Handicapped (COPOH)
- International Year of Disabled Persons

-
- Obstacles Report.

Especially, introducing Canadian Human Rights Act in the 1970s signaled a notable step of movement. The goal of this Act was to provide equality for all Canadians. The development of this legislation was significant for the disability rights movement as it meant that it would make it illegal to discriminate against the disabled. The Canadian Human Rights Act passed in 1978 protected persons with disabilities the same rights as all other Canadians.

In the fall of 1980, the Canadian Charter of Rights and Freedoms was proposed. The purpose of the Charter was to guarantee the rights and freedoms of all Canadians. However, when the first draft of the Charter was released, it raised a plenty of controversy for Canadians with disabilities. Section 15 included ‘protection against discrimination on the basis of sex, race and religion’. It did not protect against discrimination on the basis of disability. (Rogow, 1995:58) Quickly, organizations of people with disabilities, individuals, and some government officials began to lobby the government for the inclusion of people with disabilities in the Canadian Charter of Rights and Freedoms. For the months of lobbying and demonstrating, Canadian government had paid off for those who worked hard on the campaign to include disability in the Charter. Not only were the lives of people with physical and mental disabilities influenced by the inclusion of disability in the Charter, but also the disability rights movement was entirely affected by the efforts and success of this campaign. The most significant and meaningful impact from this victory was the entrenchment of the rights of Canadians with disabilities in the Constitution and the Canadian Charter of Rights and Freedoms.

4. Research Framework and Methodology

Generally speaking, I have approached the research question from five angles: literature review, documentary and preliminary data research, case study, system and program comparison and personal interview.

The literature review, at first, sets out definitions of accessibility and disability, and considers a number of theories related to accessibility policy making and policy analysis. Furthermore, knowledge learned from Vanhala's book shows a legislative process focusing on the development of legislation, attempting to expand legal protections, challenges of implementation, and debate on how legislation should be interpreted. This provides a conceptual foundation that I relate my empirical findings to throughout the remainder of the research report.

Moreover, for the disability legislation and its historical context, I do research from official documents, official reports and governments' official websites. As to collecting data about AODA and ODA, I mainly based my work on their official reports and some preliminary data from the Legislation Assembly of Ontario. This provides a framework and introduction of how Canadian legislation and programs work. Moreover, it shows the strong linkage between provincial legislation and local policy implementation.

Furthermore, I conducted a case study of London Accessibility Plan to examine the roles of the municipality, accessibility advisory committee and other stakeholders in the strategic planning processes of accessibility in the City of London. The case study describes the

municipality's context; analyzes its existing accessibility plan, budgeting, intergovernmental cooperation, program actions and achievements. The case study provides valuable insights into the policy implementation of AODA, such as the functions of local government and corporation, what staff considers its strengths and weaknesses to be, and how they perceive that it could be improved.

In addition, I interviewed staff who worked on AODA and who prepared the annual plan in the City of London. This material provides real attitudes and information about AODA in London from those who are working in the front. Furthermore, I conducted telephone interviews with managers and staff who work for disabled people protection affair in the City of Qinhuangdao and in the County of Funing in China. Also, I spoke with the Chairman of the Funing Disabled Persons Federation. From those interviews, together with some disability scholars' research, I discovered the real situation and main barriers and problems existing in the disability policies in China.

Last but not least, the comparison investigates two accessibility systems between Canada and China. For answering the research question, I mainly focus on the positive results and achievements of the development of accessibility in Canada in terms of national awareness, legislation, policy implementation and inter-organizational corporation and supervision and evaluation mechanisms. While, for the part of China, I focus on the problems and barriers and fewer achievements. The comparison is intended to address the differences between these two systems in two countries and advantages and disadvantages of each system, in order to provide entire recommendations and conclusions for this research paper.

Chapter 2: Accessibility Legislation in Canada

1. Brief Introduction of Disability and Accessibility Legislation at Federal Government

Disability is a personal experience and public issue of great significance in Canada. In 2001, an estimated 3.6 million people that account 12.4 percent of the population in Canada reported some level and type of disability. For the purposes of this national survey, ‘persons with disabilities are those with reported difficulties with daily living activities, or who indicated that a mental or physical condition or a health problem reduced the kind or amount of activities they could do’. (Canada, 2002; Statistics Canada, 2002) People with disabilities deserve dignity and quality, justifiably seeking the equal rights to experience the same fullness of opportunities and participation as other members in the society.

Disability rights movements and activities have lobbied successfully for a legal framework providing protection from discrimination on grounds of various levels and types disability in Canada, ranging from the federal constitutional protections discussed previously to provincial statutory laws, see Table 2.1(Vanhana 2001:60). The Canadian Human Rights Act was passed in 1978, and it also established the Human Rights Commission. The commission administers the Act and enhances the principles of equal opportunity and nondiscrimination in all areas. Each province and territory in Canada, moreover, has a Human Rights Code or Act with slightly different grounds protected against discriminations. The Ontario Human Rights Code, specially, was the first human rights code enacted in provincial level in Canada. Similarly, the Ontario Human Rights Commission established in 1961 was the governmental agency to administer the Code. (Vanhana 2001:56-59)

Table 2.1 Equality Protections in Canadian law for Persons with Disabilities

Legal protection	Provisions	Scope of application
Charter of Rights and Freedom (1982)	Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, color, religion, sex, age or mental and physical disability.	Applies to federal and provincial government legislation and activity- not to discrimination by private citizens.
Canadian Human Rights Act (1978)	For all purpose of this act, the prohibited ground of discrimination are race, national or ethnic origin, color religion, age, sex ,sexual orientation, marital status, family status, disability and conviction for which a pardon has been granted.	Outlaws discrimination in employment and in the delivery of goods/ services in areas within the legislative authority of the federal government.
Ontario Human Rights Code (1962, 'handicap' included in 1981)	Every person has right to equal treatment... without discrimination because of race, ancestry, place of origin, color, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability.	Outlaws discrimination in employment and in the delivery of goods/ services in areas within the legislative authority of the federal government.
Accessibility for Ontarians with Disabilities Act (2005)	Recognizing the history of discrimination against persons with disabilities in Ontario, the purpose of this Act is to benefit all Ontarians by, (a) developing, implementing and enforcing accessibility standards in order to achieve accessibility for Ontarians with disabilities with respect to goods, services, facilities, accommodation, employment, buildings, structures and premises on or before January 1, 2025.	The act applies to every person or organization in the public and private sectors of the Provinces of Ontario.

Source: Vanhana 2001:54

What pivotal characteristics and trends are shown obviously in this legislation? Equality and inclusiveness (or inclusion).

1) Equal Rights and Entitlements

From this legislation, we can see that one remarkable characteristic of the change that has taken place in the disability movement has been the shift ‘towards self-organization and the taking of control by disabled persons themselves in the society representing their interests’. (Johnstone, 2001:154) From the perspective of people with disabilities who are emerging as a recognized political movement, ‘equality’ means the ‘acceptance that disabled persons are equal citizens and that social barriers, discriminations and prejudice with are associated with impairment have to be removed’. (Johnstone, 2001:156) The Canadian Charter of Rights and Freedoms, as part of the Constitution, directly affected Canadians with disabilities in countering differences and inequality in society. Moreover, from a theoretical perspective, cognition associated with disablement and quality has a significant impact on: first, an understanding of the meaning of disablement and; second, the development of consistent laws, policies and practices. (Pothier and Devlin, 2006:47) The relationship between disablement and equality has strongly and essentially influenced accessibility policy making, what will be further discussed in the Chapter 3 and Chapter 4 in this paper.

2) Inclusion— Accepting and Celebrating Difference

The previous point, equal rights and entitlements links a range of attempts to counter differences and inequality. However, it does not mean that people are prepared to treat each

other in a similar fashion. In turn, equality is not to ignore differences; but people with disabilities have equal rights to celebrate their differences, but not hide from them. Social acceptance is more and more tightly constrained in ideology of 'getting on'; succeeding in education and in market-oriented values of personal competitiveness. (Johnstone, 2001:156)

In terms of psychology, these expectations can encourage many disabled people to try and become superhuman, in order to avoid the negative connotations of helplessness and incompetence. Social acceptance leads to self-confidence and this self-confidence can relieve isolation and improve chances to compete with non-disabled people. (Bickenbach, 1993: 158)

Together with the previous point, the paper will discuss 'inclusion' in Chapter 3 and Chapter 4 in the Chinese context.

2. Accessibility Legislation at Provincial Level of Government

(1) Ontario: Accessibility for Ontarians with Disabilities Act, 2005 (AODA)

The Province of Ontario was the first jurisdiction in North America to have a Human Rights Code and a Human Rights Commission. Moreover, Ontario was the first province in Canada to have comprehensive disability legislation and the first disability support program. After a grassroots lobbying effort by Ontarians with disabilities throughout the 1990s, the conservative government enacted the Ontarians with Disability Act in 2001. Then, four years later, a strengthened act was past- Accessibility for Ontarians with Disabilities Act, 2005. Through my research of literature and some first data from Legislative Assembly of Ontario, I conclude following characteristics and trends of accessibility legislation in Ontario:

1) Comprehensive, Democratic and Constantly Updated Legislation System

The Ontarians with Disabilities Act (ODA 2001), which received Royal Assent on December 13, 2001, marks a very historical and proud symbol for the 1.6 million Ontarians with disabilities and a very proud event for their government. The legislation is available in Braille, audiotape, electronic disc and large print. With the faith that all Ontarians should enjoy equal opportunity and freedom to fully participate in their communities, ODA 2001 mandates that each municipality prepare an annual accessibility plan for the purpose of ‘improving opportunities for persons with disabilities and to provide for their involvement in the identification, removal and prevention of barriers to their full participation in the life of the Province of Ontario’.

Before ODA 2001, the Ontario government and their partners in the broader public and private sectors had been already working to make their buildings, products and services more accessible to and more inclusive of persons with disabilities all around the province. A great deal of government-funded programs and services, such as transportation, special education, tax incentives, health care, children's treatment, income and employment supports, and many more programs had already been working for a couple of years. Ontarians, however, recognized that ‘more work needs to be done and that there is a strong need for change’.

(November 2001, Minister Hon Cameron Jackson) From May, 2001, Minister Hon Cameron Jackson and his government met with more than 100 individuals and disability organizations representing their communities, municipalities, broader public and private sectors to hear their voices and gain benefits from their expertise and experiences. The ODA 2001, consequently,

represented the important legislative component of the framework that achieved the Ontario's Vision for Persons with Disabilities. It mandated the provincial government, municipalities and public sectors to plan for greater accessibility to their buildings and their services for the disabled. It also established the foundation for sustained and effective long-term partnerships, particularly, the Accessibility Advisory Council of Ontario and similar accessibility advisory bodies required in all municipalities of 10,000 or more residents. This legislation was a major step forward in achieving the vision that 'there must come a day when access here and everywhere in our province is just as easy for persons with disabilities' (November 2001, Minister Hon Cameron Jackson) and for gaining full citizenship for all Ontarians.

The ODA 2001, generally speaking, was introduced with good intent and good faith, but it was considered weak. There were very few requirements on municipalities under the ODA beyond establishing an Accessibility Advisory Committee and to do annual Accessibility Plans. The weaknesses were, according to official report of Legislative Assembly of Ontario, 2005:

- It did not comprehensively cover the private sector.
- It did not include standards and timelines to eliminate and prevent barriers.
- It did not make a difference in the way that really matters to people with disabilities, like access to stores, restaurants and medical offices.
- It was opposed by the opposition parties in the Legislature, etc.

Critics of the legislation continued to petition the government to pass a stronger and more effective act. As a result, a new legislation—the Accessibility for Ontarians with

Disabilities Act, 2005 was introduced in Ontario on June 13, 2005. The Purpose of the AODA, as stated in the Act itself, is:

Recognizing the history of discrimination against persons with disabilities in Ontario, the purpose of this Act is to benefit all Ontarians by,

(a) developing, implementing and enforcing accessibility standards in order to achieve accessibility for Ontarians with disabilities with respect to goods, services, facilities, accommodation, employment, buildings, structures and premises on or before January 1, 2025; and

(b) providing for the involvement of persons with disabilities, of the Government of Ontario and of representatives of industries and of various sectors of the economy in the development of the accessibility standards.

Remarkably, under section 41 of the AODA, ‘Within four years after this section comes into force, the Lieutenant Governor in Council shall, after consultation with the Minister, appoint a person who shall undertake a comprehensive review of the effectiveness of this Act and the regulations and report on his or her findings to the Minister.2005, c. 11, s. 41 (1).’ The review is conducted to report findings and may make recommendations for improving the effectiveness of the act and regulations. In addition, it must include consultations with the public and, in particular, persons with disabilities.

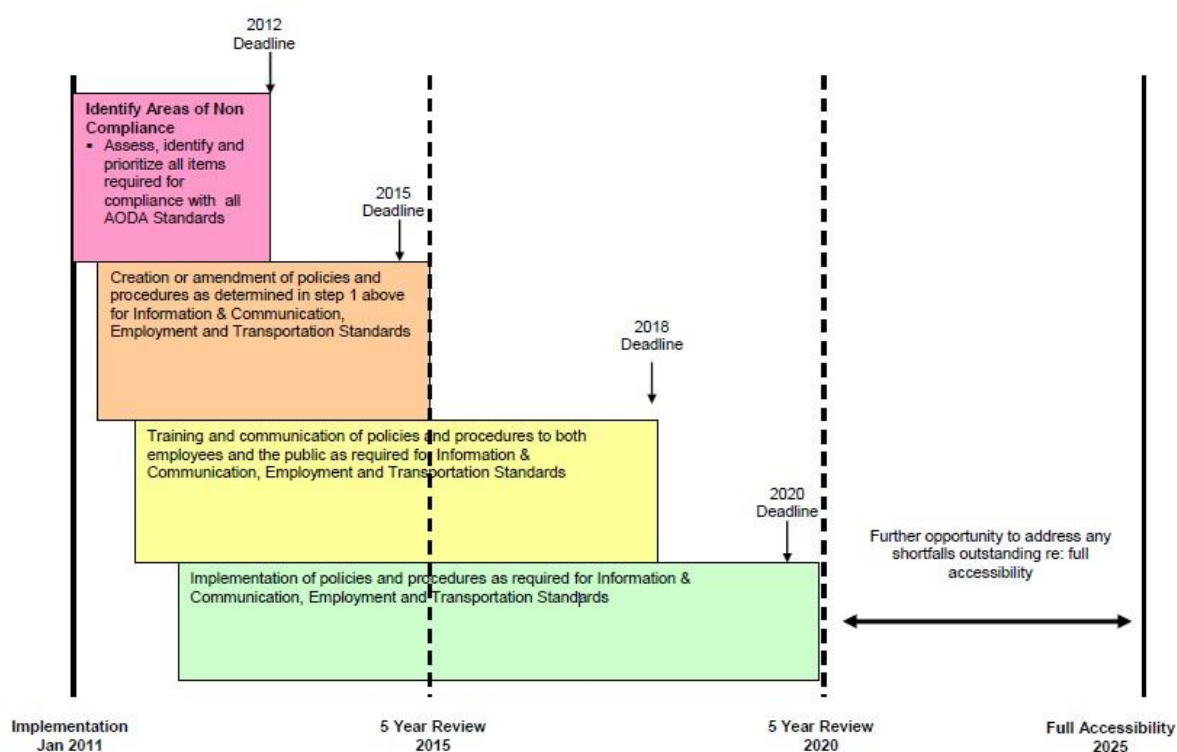
Overall, the AODA, 2005 covers a much broader scope than the ODA, 2001. The scope of the act is significant in that it covers both public and private sectors and has adopted a barrier-removal approach, as well as legislative enforcement, penalties and timelines. The AODA, 2005 is much further reaching, including nearly all types of customer services, employment, transportation, and information and communications. (Vanhana 2001:62) From 2001 to 2005, great changes of the accessibility legislation have taken place in Ontario within

less than 4 years. I have to say that a comprehensive, democratic and constantly updated legislative system is the essential foundation and strong guarantee of disability policies and programs in Ontario.

2) Clearly and Comprehensive Accessibility Standards

Under the act, Ontario is making the province accessible by 2025 through a number of accessibility standards: a) customer service; b) transportation; c) information and communications; d) employment; e) the built environment. The purpose is to make Ontario accessible through the implementation and enforcement of mandatory accessibility standards related to services, goods, buildings, facilities, employment, and accommodation. They will be set milestones that must be reached every five years or less, see Figure 2.1.

Figure 2.1 Timeline for Standards Compliance



Source: Charles Beer, 2010, 15

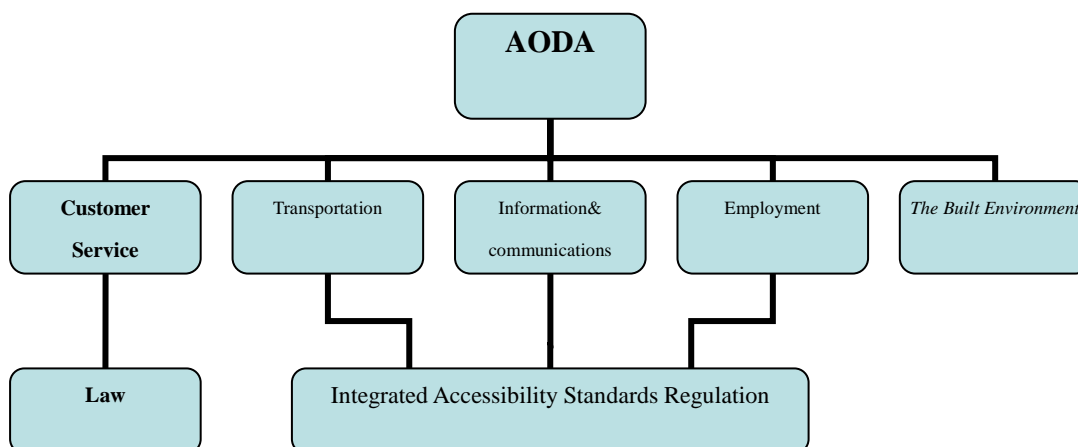
The first standard under the AODA is the Accessibility Standard for Customer Service, which is now law and the only one that became law. 'This Regulation establishes accessibility standards for customer service and it applies to every designated public sector organization and to every other person or organization that provides goods or services to members of the public or other third parties and that has at least one employee in Ontario. O. Reg. 429/07, s. 1 (1).' These standards outline what organizations must do to ensure their customer services are accessible to people with disabilities. The second standards are Accessible Transportation standards, which address aspects of accessible public transportation. The Ontario Regulation 191/11 clearly states the requirements in the areas of floors and carpeted surfaces, allocated mobility aid space, stop-requests and emergency response controls, lighting features, signage, lifting devices, steps, indicators and alarms, emergency preparedness and response policies, etc. for providing conventional and specialized transportation services. The transportation standards are identified as fundamental and crucial for people with disabilities, because access to transportation is essential to going to work, going to schools, shopping and other aspects of daily life. Third, Accessible Information and Communications standards are regulated to address the removal of barriers in access to information. The standards include information being provided in person, through print, a website or other means, such as 'data, facts and knowledge that exists in any format, including text, audio, digital or images, and that conveys meaning', according to the Ontario Regulation 191/11. Particularly, it also formulates requirements related to educational and training resources and materials and libraries of educational and training institutions. In addition, Employment Accessibility standards are to

address paid employment practices relating to employee-employer relationships, including recruitment, hiring, and retention. In addition to its obligations under section 12- Accessible formats and communication supports, ‘where an employee with a disability so requests it, every employer shall consult with the employee to provide or arrange for the provision of accessible formats and communication supports for information that is needed in order to perform the employee’s job; and information that is generally available to employees in the workplace’. The standards play a vital role in expanding labor pool and supporting the disabled into more workplaces. These three standards are all part of the new Integrated Accessibility Standards Regulation. The last Accessible Built Environment standards are to address access into and within buildings and outdoor spaces. The proposed standard prescribes requirements for ‘more than 70 elements in the built environment including buildings, common access areas and circulation, exterior spaces, communication elements and facilities, plumbing elements and facilities, building performance and maintenance, recreation elements and facilities, transportation elements, housing, and other special rooms including court rooms, libraries, parking, cafeterias and more’. These standards only apply to new construction, extensive renovation and retrofit within both the public and private sector in Ontario. The relationships of these five accessibility standards are shown in Figure 2.2.

In summary, these five standards, designed clearly, with broader ranges, based on experiences and consultation by people with disability and interested stakeholders, are playing a directive and guiding role in putting the AODA into practice. They define the requirements that businesses and organizations must meet to improve and enhance

accessibility in the province, which describe a picture of what should be done in a foreseeable period.

Figure 2.2 Accessibility Standards under AODA 2005



Source: Ontario Official Website: <http://www.mcsc.gov.on.ca/en/mcss/index.aspx>

3) Legislation with Strong Mandate and Enforcement

The Government of Ontario believes that all governments have responsibilities to enact legislation to improve opportunities for persons with disabilities by comprehensively identifying, removing and preventing barriers to their participation in the life. Therefore, enacting the legislation was absolutely the crucial first step in paving the way for an accessible Ontario; however, encouraging and ensuring compliance with the AODA is just as significant.

To guarantee its compliance, the AODA establishes ‘an enforcement regime including inspections, orders, administrative penalties, appeals to a tribunal and ultimately substantial

finances for non-compliance with accessibility standards or other regulations’, according to the official report 2009. Take customer service as an example, ‘public sector organizations need to comply with the standard by January 1, 2010; private sector and non-profit organizations need to comply by January 1, 2012’, according to the Regulation 429/07. For organizations or individuals that persist in rejecting or not meeting their regulations, the government has the power to ‘conduct inspections, assign monetary penalties and prosecute through the courts’.

Besides, to help organizations become compliant fairly and transparently, a compliance assurance framework was designed and approved in 2008. The framework includes four elements: 1) education and awareness campaigns are to help organizations understand their obligations under the AODA and the standards; 2) a self-certification electronic reporting program allows organizations to complete and submit accessibility reports online; 3) a compliance improvement strategy is to assist non-compliant organizations to meet their legal obligations; 4) a set of inspection and enforcement actions are to finally prevent contraventions of the AODA and accessibility standards.

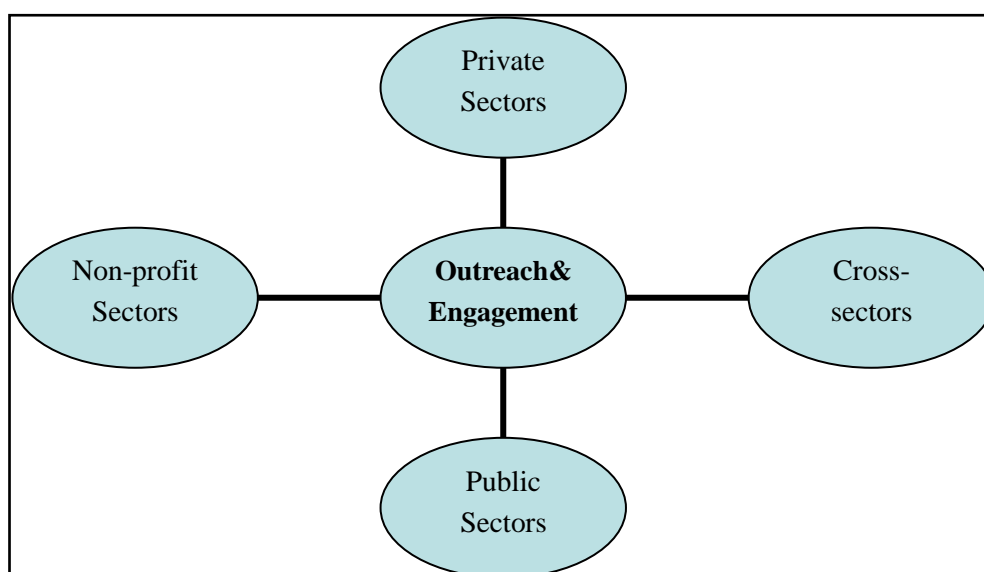
Furthermore, for strengthening and enhancing the compliance, there is a further Compliance Enforcement Strategy from 2010. The Ontario government approved a proposed model for administrative penalties, and the License Appeal Tribunal. For one thing, the model for administrative penalties was developed to support enforcement activities and to repress non-compliance. Under this model, administrative monetary penalties are used to ‘encourage compliance and considered in cases where efforts to assist a non-compliant organization have been unsuccessful’. ‘The amount of the penalty will depend on the size and type of

organization, its compliance history and the impact of the violation on people with disabilities.’ (AODA Annual Report 2010) The License Appeal Tribunal (LAT), for another, has been designated ‘as the tribunal to hear appeals of director’s orders, such as orders for administrative penalties issued against organizations’. (AODA Annual Report 2010)

In short, following the AODA, 2005 mandates, there are plenty of programs and actions that are encouraging, assisting, guaranteeing and supervising compliance with the AODA and the standards. They are, to some extent, making rights a reality.

4) Wide and Effective Engagement and corporation

Figure 2.3 Outreach and Engagement Associated with AODA 2005



Source: AODA Annual Report 2010, 10

Besides awareness, education and training, wide engagement and strong cooperation are also critical to the successful compliance of the accessibility standards. The Accessibility Directorate strives to engage related interested groups and ensure that they are aware of and

understand the requirements of the standards, and develops procedures to facilitate compliance, see Figure 2.3. Over the past several years, outreach efforts and engagement were successfully achieved as its stated objectives. (AODA Annual Report 2010)

There, first of all, are a series of events and programs to engage the private sectors. For example, the Human Resources Professionals Association developed a bilingual, best practice e-learning system and a series of in-person seminars for explaining the AODA and the standards that reached out to approximately 20,000 businesses in Ontario. Moreover, the Ontario Restaurant Hotel & Motel Association (ORHMA) developed 'industry-specific resources, awareness presentations, a breakfast series and dedicated issues of ORHMA publications' to assist the hospitality and tourism industry to achieve the requirements of the customer service standards. Tourism Industry Association of Ontario (TIAO), furthermore, provided awareness presentations, training workshops for managers and members through articles and e-mail announcements that assist the hospitality and tourism industry in meeting compliance efforts. In addition, TIAO and ORHMA collaborated on a joint webcast presentation and develop a micro-site for update information and resources on the AODA and standards. MaRS is an organization that enhances and promotes Canadian innovation, and provides services to early, middle and mature stages entrepreneurs on compliance with the AODA standards. Finally, the Hamilton Training Advisory Board pilots an outreach strategy focused on engaging small businesses with 20 or fewer employees to promote awareness and support compliance. (AODA Annual Report 2010)

Besides those for the private sector, there are also several support programs for engaging the non-profit and community services sectors. First, Ontario Non-Profit Network @ Centre for Social Innovation creates a comprehensive outreach and education strategy to foster non-profit organizations in Ontario with their compliance efforts. Volunteer Toronto, moreover, sets training tools for voluntary organizations or sectors to become compliant, such as developing an accessibility standards information portal and conducting a cross-sector engagement plan for trainers in the organizations. Ontario Non-Profit Housing Association is also providing specific information on accessibility and support materials to assist non-profit housing providers. Finally, the Children's Aid Society of Toronto develops an accessible and bilingual online course to help understanding and meeting the training requirements of the customer service standards. The course is made available to all children's aid societies, mental health agencies and other kinds of children's services sector and agencies in Ontario. (AODA Annual Report 2010)

Furthermore, there are another two effective programs associated with Cross-sector engagement. Le Phénix is a French-language community development organization working for engaging French-speaking organizations in the disability community, non-profit, private sectors and municipalities to share information about accessibility standards. It builds and distributes compliance assistance tools through workshops and other channels for sharing information. The other one is the Inclusive Design Institute. OCAD University is designing product digital office documents in common formats that from a cross-disability perspective, such as word processing, documents authoring, web content and web content authoring tools.

Ultimately, the Accessibility Directorate also conducts an online survey research of broader public sectors and organizations in order to gather feedback on satisfaction and usage of the customer service resources. Up to 2010, the feedbacks were very positive. The great majority responded that they were either “satisfied” or “very satisfied” with the information, materials and resources, and provided valuable comments and suggestions for improvement. (AODA Annual Report 2010)

5) Various and Specific-targeted Follow-up Programs and Funds

Since there are countless assistance programs related to accessibility and disability in different institutions, I will mainly list two important governmental support programs which are managed and delivered by the Ministry of Community and Social Services. One is the Income Support program. It ‘helps people with disabilities that are in financial need pay for living expenses, like food and housing’. There are also some other benefits covered by Income Support program, such as: ‘drug coverage, dental coverage, vision care, hearing aids, diabetic supplies, help with transportation costs to medical appointments, wheelchair/mobility device repairs and batteries, help to support your guide dog, and help with work-related expenses’. (Ontario Ministry of Community and Social Services official website) The other program is Employment Supports program, which is targeted to help the disabled get ready for work, or find a job, or start up a small business. Employment Supports program can help the persons who have never worked before, or have been out of work for some time, or are in school.

Funding is obviously and undoubtedly of high importance for any program. There are some main types of funds associated with accessibility, according to London Accessibility Advisory Committee Website: A) Enabling Accessibility Fund. The Canadian federal government, through Human Resources and Social Development Canada (HRSDC), offers the Enabling Accessibility Fund (EAF). The EAF supports community-based projects that improve accessibility for Canadians with disabilities. B) Social Development Partnerships Program. The HRSDC also provides \$11 million per year in grants and contributions through the Disability component of the Social Development Partnership Program. The program supports projects of the non-profit sector to improve access of people with disabilities to programs and services. C) Ontario Trillium Fund. The Ontario Trillium Fund (OTF) offers capital grants for renovations, especially those that improve accessibility. The grant amount can go up to \$150,000 over one or more years. D) Enabling Change Partnership Program. The Ontario Ministry of Community and Social Services offers the Enabling Change Partnership Program. Its goals are to assist organizations in complying with accessibility standards and to improve accessibility for people with disabilities. The Ontario government will share up to 75 percent of the total project costs. (London Accessibility Advisory Committee Website)

(2) Other Laws Associated with Accessibility in Ontario

In accordance with the Human Rights Code, a number of Ontario statutes and regulations are working to address the right of persons with disabilities to equal treatment without discrimination, according to records from the Legislative Assembly of Ontario and interview findings. Some of these are set out below:

1) The Blind Persons' Rights Act is to prohibit discriminations in services, accommodation, facilities or occupancy against blind people using guide dogs and to prohibit persons who are not blind from using white canes.

2) The Building Code Act, 1992, together with the regulations establishes standards for 'the construction, renovation and change of use of buildings and structures, including standards related to the accessibility of buildings and structures for persons with disabilities'. (http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&BillID=877&isCurrent=false&ParlSessionID=37%3A2)

3) As an incentive to encourage employers to hire disabled people, the Corporations Tax Act allows employers 'an additional deduction for the costs of modifying buildings, structures and premises, acquiring certain equipment and providing special training' in order to accommodate employees with disabilities in the workplace. Similarly, the Income Tax Act also provides unincorporated employer a credit. (37:2 Bill 125, Ontarians with Disabilities Act, 2001, Explanatory Note)

4) The Education Act includes regulations to address the needs of students with disabilities. School boards must provide special education services and programs to students who have been identified as 'exceptional pupils'. (Legislative Assembly of Ontario Website: 37:2 Bill 125, Ontarians with Disabilities Act, 2001, Explanatory Note)

5) The Workplace Safety and Insurance Act, 1997 offers 'loss of earnings, health care and labor market re-entry' for people with work-related injuries and disabilities. (Legislative

Assembly of Ontario Website: 37:2 Bill 125, Ontarians with Disabilities Act, 2001, Explanatory Note)

(3) Conclusion: Accessibility Legislation in Ontario

In conclusion, the Government of Ontario believes that it is desirable to demonstrate continued leadership in improving equal rights and opportunities for people with disabilities. The AODA, 2005 builds on progress made under earlier legislation ODA 2001, requires and fosters the governments and broader public sectors in Ontario, including municipalities, public transportation organizations, colleges and universities, hospitals and school boards to provide accessibility services and programs for the disabled people. To summarize the points discussed previously in this Chapter, there are several remarkable and valuable characteristics and factors need to ponder when trying to answer the research question: What lessons can Chinese regional and local governments learn from Ontario about how to design accessibility provisions for the disabled? They are: equality is widely understood and recognized; comprehensive and updated legislation; clearly designed accessibility standards; diverse support programs and effective cooperation.

Chapter 3: Accessibility Implementation in Local Level Governments

1. The Role of the Association of Municipalities of Ontario (AMO)

The Association of Municipalities of Ontario (AMO) is a non-profit organization representing almost all of the 444 municipalities across Ontario. Its objectives is to ‘ensure that our work with the provincial government results in policies and programs that are implementable for all municipalities - those that are large, small, northern, remote, rural and urban - in a reasonable, affordable and sustainable way’. (AMO’s website)

Since 2005, AMO plays an important role in implementing standards under the AODA and ensuring its goals will be achieved. AMO not only develops a variety of policy positions for its membership move towards AODA standards; but also seeks solutions to certify that implementing the AODA is feasible, affordable and practical. AMO’s responses on the development of standards have already resulted in some significant changes to the proposed standards. For example, one of the major recommendations in AMO’s October 2010 submission on the draft proposed Integrated Accessibility Regulation (IAR) was a slight adjustment in the implementation timelines.

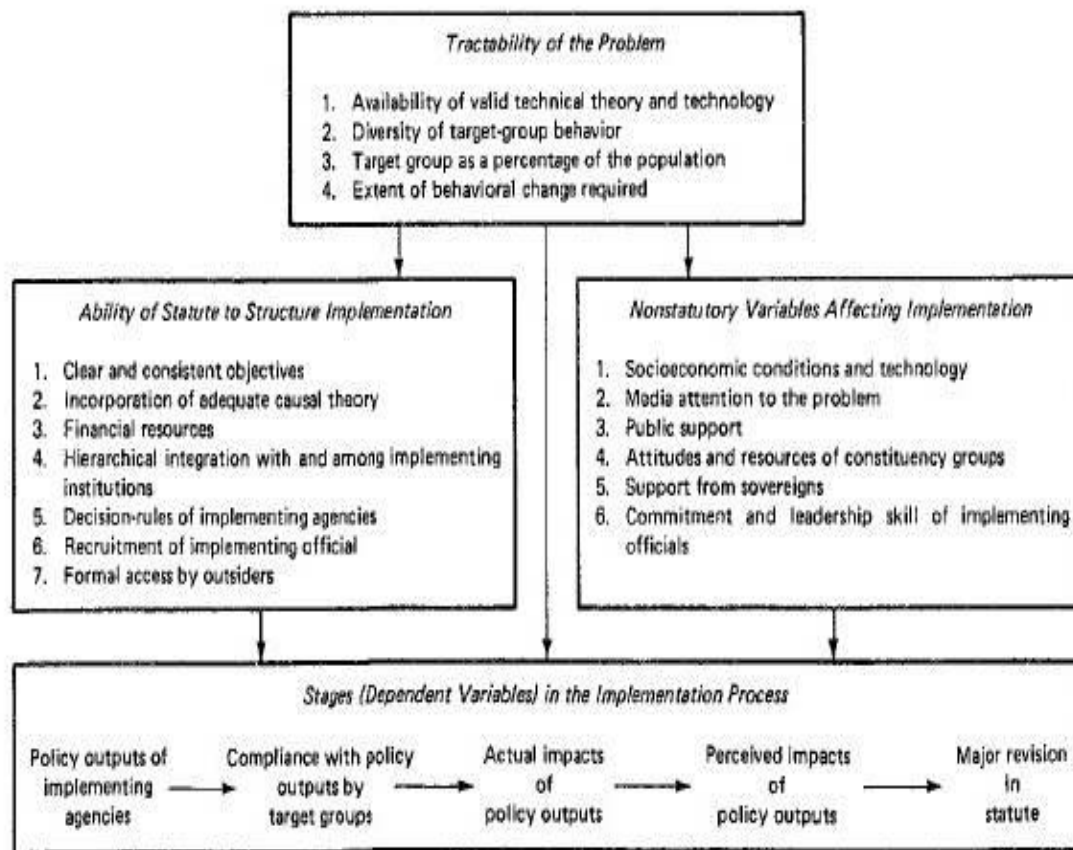
2. Accessibility Implementation in Local Level Governments: London Case Study

The last part focused on the analysis of the legislation in provincial government in Ontario; while in this part, I will research the implementation of accessibility legislation at the local level through a case study of the City of London.

(1) Methodology and Literature Review

After a public problem has made its way to the policy agenda and various options have been proposed to resolve it, a government has to make some choices among those options to put the decision into practice. In another word, no matter how the structure of a policy or a program is, the attainment of statutory objectives fairly and ultimately relies on the implementing agencies and whether they are committed to the achievement of the objectives. As a result, it is the choice, or the way they implement, that determines the success of the policy. (Howlett and Ramesh, 1995: 151) The authors Daniel A. Mazmanian and Paul A. Sabatier in their book introduce a framework of analyzing the implementation of public policy. In the framework, the implementation process ‘normally runs through a number of stages beginning with passage of the basic statute, followed by the policy outputs of the implementing agencies, the compliance of target groups with those decisions, the actual impacts of those outputs, the perceived impacts of agency decisions and important revisions in the basic status’. (Mazmanian& Sabatier, 1981: 6) In the process of policy implementation, see Figure 3.1, Michael stated that there are many approaches to public policies that treat ‘actors’ and ‘institutions’ as the key explanatory variables. Some analysts even ‘regard actors as the only relevant category of analysis. (Howlett and Ramesh, 1995: 50) The case study, therefore, will focus on some important ‘actors’ and ‘institutions’ in implementing accessibility policy in London.

Figure 3.1: Variables Involved in the Implementation Process



Source: Howlett and Ramesh, 1995: 50

The case study is subdivided into five parts: policy-making/ agenda-setting; function of the Accessibility Advisory Committee; roles that municipality plays; responses, programs and actions under the AODA in London and attitudes, issues from interview findings. Through analysis those major factors in implementing AODA in the City of London, I will address the question concerning what Chinese governments can learn from Ontario (Canada) about how to design and implement accessibility provisions for the disabled in the next Chapter.

(2) Background to the City of London and London's Accessibility Plan

The City of London is located in Southwestern Ontario, Canada, situated along the Quebec City – Windsor Corridor. The city has a population of 352,395, and the metropolitan area has a population of 457,720, according to the 2006 Canadian census. People with disabilities represent a significant and growing part of their population. According to Statistics Canada, in 1996, 12.3% of London’s population was defined as having a disability or ‘activity limitation’, demonstrating an increase of 2.2% from 1991 (Canadian Council on Social Development, 1999). Moreover, disability tends to increase with age. It is estimated that 20% of the population will have disabilities in two decades.

The City of London began building accessibility back to 1997, when it worked with the Access to Leisure Services in London to develop ‘a policy designed to include people with disabilities in recreation facilities, parks and services’. The City of London's Accessibility Plan was introduced from 2003 and is prepared annually. Under the ODA and AODA, see Table 3.1, the Accessibility Plan is intended to ‘address existing barriers to people with disabilities and to prevent new barriers from being established’. Currently, the plan is developed annually in partnership with senior city staff, the Accessibility Advisory Committee and the public at large. In its partnership, the committee shall advise Council about the preparation, implementation and effectiveness of an accessibility plan. The City of London has to provide quality goods and services which are accessible to the persons with disabilities. They believe that enhancing the ability of people with disabilities to live independently and contribute to the society will have fairly positive effects on future prosperity in the city of London.

Table 3.1 Legislative Requirements & Municipal Obligations

Legislative Requirements & Municipal Obligations	
ODA	AODA
<p>Accessibility Advisory Committees (MAAC) – Section 12</p> <ul style="list-style-type: none"> • If population of 10,000 or more, required to have an Accessibility Advisory Committee with majority of members persons with disabilities (municipalities of less than 10,000 may establish a MAAC) • MAAC to advise council on preparation, implementation and effectiveness of accessibility plan • Council to consult MAAC on issues of built environment accessibility • Council to supply MAAC with any requested site plans or drawings for MAAC to review in a timely manner • Two or more municipalities may establish a joint MAAC (s.17(3)) 	<p>Accessibility Advisory Committees – Section 29</p> <ul style="list-style-type: none"> • If population of 10,000 or more, required to have an Accessibility Advisory Committee with majority of members persons with disabilities (municipalities of less than 10,000 may establish a MAAC) • MAAC to advise council about the requirements and implementation of accessibility standards and preparation of accessibility reports • Council to consult MAAC on issues of built environment accessibility • Council to supply MAAC with any requested site plans or drawings for the MAAC to review in a timely manner • Two or more municipalities may establish a joint MAAC
<p>Municipal Goods and Services – Section 13</p> <ul style="list-style-type: none"> • Have regard for persons with disabilities in deciding to purchase goods or services through the procurement process for the use of itself, its employees or the public 	<ul style="list-style-type: none"> • Municipal procurement not directly addressed in the AODA

Source: Charles Beer, 2010: 61

Since it was set up, something changed. The latest release from the 2006 Participation and Activity Limitation Survey from Statistics Canada shows that between 2001 and 2006, in London, the largest increase in the employment rate was among people with disabilities. The rate climbed to 53.5% from 49.3%. For people without disabilities, the rate grew to 75.1% from 73.8%. The unemployment rate for people with activity limitations dropped from 13.2%

in 2001 to 10.4% in 2006, narrowing the gap by roughly one-third with those without activity limitations. Moreover, with the policy's development, more and more politicians and scholars pay attention on these areas and; a lot of citizens start to learn about disabilities.

(3) The City of London's Accessibility Advisory Committee (ACCAC)

According to ODA and AODA, 'municipalities of 10,000 or more residents are legislatively required to establish or continue an accessibility committee. The majority of committee members must be people with disabilities.' The ACCAC annually reports to Municipal Council through the Community and Protective Services Committee and advises the later preparing reports on compliance with the AODA standards to the Province each year.

The mandate of the ACCAC, according to its official statement, is to advise and assist City Council and potentially City Agencies, Boards and Commissions to promote and facilitate a 'barrier-free London' for citizens with disabilities. These objectives shall be achieved through 'the review of municipal policies, programs and services, and the identification, removal and prevention of barriers faced by persons with disabilities'. In particular, the priority areas that the ACCAC is focusing on are: education and awareness, transportation, facilities, policy and development, accomplishments & initiatives, special events (outdoor events), review of city by-laws, London accommodation audit for Access Guide Canada, accessibility audits of city facilities, communications access, service dogs in taxi cabs, additional training for polling station volunteers, municipal parking spots for persons with disabilities, audible pedestrian crossings, affordable accessible housing, etc.

In addition to legislation research and document review, my interview findings from staff working on AODA in the City of London are: ‘Over the past years ACCAC has evolved in terms of their functions, effectiveness and impacts. Their members give people with disabilities a voice and a level of respect they did not have before’. She also mentions that ‘compared to ODA, AODA has significantly changed the ACCAC’s role, shifting the emphasis from accessibility planning to the implementation of standards and reporting on compliance’. (Interview with Kate Graham)

Based on the research above, I summarize that the functions of ACCAC are: acting on behalf of the common interests of people with disabilities; protecting legal rights of persons with disabilities; uniting and servicing persons with disabilities; advising council about the requirements and implementation of accessibility standards; and assisting to prepare accessibility reports.

(4) Roles of Municipality in Implementing London's Accessibility Plan

The City of London remains strongly committed to the objectives and intent of the AODA to remove barriers and improve the quality of life for people with disabilities. As one of the major actors in the plan, the city conducts plenty of follow-up actions and programs to make AODA work in practice. Some important and notable features are listed below:

1) Clearly Defined Duties and Responsibilities

Civic Administration is working closely with the ACCAC and the City’s agencies, boards and commissions throughout the AODA process. Currently, there are five departments

working for the Accessibility Plan: Finance and Corporate Services Department, Planning and Development Department, Community Services Department, Environmental and Engineering Services Department and Chief Administrator's Office. Municipal departments and divisions included under the scope of this plan are shown as Table 3.2, according to The Corporation of the City of London 2011 Accessibility Plan. From the Table 3.2, we can see that each department has its own divisions and directions in serving accessibility plan, so that the staff can clearly know their duties and responsibilities. It is beneficial to enhance productivities and effectiveness, and then improve the target objectives to be achieved.

Table 3.2 Municipal departments and divisions under the scope of the Accessibility Plan

Finance and Corporate Services Department	Planning and Development Department
City Clerk's Office Technology Services Division Financial Services (Assessment, Payroll, Purchasing, Revenue, Planning and Policy) Realty Services Courts Administration	Planning Division Building Division Housing Division
Community Services Department	Environmental and Engineering Services Department
Social & Community Support Services Dearness Long-Term Care Division Parks and Recreation Division Neighborhood and Children's Services Division	Roads and Transportation Division Fleet, Facilities and Departmental Resources Division Administration and Departmental Services Division Waste Water and Treatment Division Water, Environment and Customer Relations Division
Chief Administrator's Office	
City Solicitor's Office Corporate Management Support	

Corporate Communications Division Culture Office Fire Services Division Human Resources Division Management Support, Audit and Risk

Source: The Corporation of the City of London 2011 Accessibility Plan

2) Intensive, Updated and Diverse Policies and Programs

In addition to the annual accessibility plan, the Accessible Customer Service Policy which was approved in October 2008 is specifically in accordance with the Accessibility Standards for Customer Service (Ontario Regulation 429/07). Moreover, the most noteworthy barrier-free endeavor in the City of London is the Facility Accessibility Design Standards update in 2007, which goes beyond existing regulations. These standards address accessibility requirements for ‘the design and construction of new facilities, as well as the retrofit, alteration or addition to existing facilities, owned, leased or operated by the City of London’. (City’s Website) They incorporate the belief in universal design defined as: ‘the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design’. (City’s Website) As to the policy itself, furthermore, there is an evaluation and monitoring process at the end of a year. The City of London’s Accessibility Plan includes the Citizen’s Accessibility Quotient Questionnaire. The purpose is to provide a feel for how far the city needs to go in an area to be considered fully accessible to persons with disabilities. With this evaluation step, The City of London Accessibility Plan will be updated and approved for a new year. (City’s Website)

For the programs, take the Accessibility Plan 2010 for example, there are mainly five

action items. First, education and awareness sub-committee. It developed a strategy to review the committee's website to ensure that all information was current and up-to-date; and it established contacts in the community to promote and educate the public and private sector on the AODA Standards; and it initiated a Disabled Parking Awareness Campaign, and so on. Second, transportation. The committee reviewed the transportation plan 2009, evaluated the accessible taxis and, worked with the city regarding traffic signals timing. Third, Thumbs-Up program. The program was intended to help the people with non-visible disabilities. Fourth, policy development and training. The committee continued to work with the city to assist with the development of AODA standards, policies, procedures, practices and training for staff and, they also set general strategic priorities for future years. Last, accessible facilities. The committee continued to review building accessibility features, investigated local recreation facilities for accessibility and, prepared an accessibility checklist for recreation/gym facilities. With those actions, the Accessibility Plan has significantly modified target groups' behaviours in order to achieve policy objectives that foster an inclusive community by identifying and removing barriers faced by persons with different levels and types of disabilities. (The Corporation of the City of London 2011 Accessibility Plan)

3) Actions and Inputs to Comply with the AODA Requirements

In an effort to comply with the requirements prescribed in the AODA and its standards, the City of London has taken numerous initiatives to identify, remove and prevent barriers for people with disabilities. Take customer service standard for example: besides the Accessible Customer Service Policy discussed above, they also developed an administrative directive to

provide further guidance for staff; designed an online customer service e-learning training module; prepared a provision of training for City staff and volunteers; provided a dedicated section on the City's website with information about accessing goods and services in London; communicated with the public, private sector, and the City's agencies, boards and commissions about the customer service standard through mails and presentations; and communicated through industry associations, website notifications and advertisements in local media.(Council Meeting Agenda #18, 2010)

Furthermore, the city requests all staff to receive training on providing accessible customer service. Also, all businesses that the city has contracted to provide goods or services to customers are mandated to ensure that their employees are trained on providing accessible customer service. To assist with this training, there are a couple of resources that can be used at no charge, for instance, City of London's Accessible Customer Service Training Video, Accessibility Directorate of Ontario's Serve-Ability Training Video, Accessibility Directorate of Ontario's Talk To Me Video and other resources from the Accessibility Directorate of Ontario. (City's Website)

Last but not least, for city budget, 'the estimated cost for compliance activities related to the Customer Service Standard totals to \$100,000. This includes \$50,000 in consultant fees associated with the development of policies and procedures, \$20,000 for the development of a training video, \$20,000 in development costs for the e-learning module, \$4000 for print materials, and \$2000 in miscellaneous other expenses. This estimate does not include replacement staffing costs incurred as a result of training.' (Council Meeting Agenda #18,

2010)

(5) The Need to Think About Issues in Different Ways

The remarkable advantages discussed above do not mean that the accessibility plan is perfect; absolutely, it is not. However, to avoid drifting off-topic, I will not mention a lot about opposite voices or issues related to accessibility in the City of London in this paper but only pick up two. During my research, there really are some problems, difficulties or issues about accessibility in London, two among them are: a) why the city (or the province) put the disabled on such a high value? Is the cost worthy? b) Whether developing accessibility's benefits can overcome its high costs? As a provincially required plan, it includes a great many aspects: private and public buildings, information, workplace, housing and so on. There are not only monetary costs, but also labor and time costs. According to a report, 'the draft Information and Communications and Accessible Built Environment standards could have capital costs in the multi-millions of dollars if the draft standards as released become law. As an example, the draft Built Environment Standard included a requirement to increase exterior access routes to 1800mm which could cost over \$200 million to replace 1375km of sidewalks.' (Council Meeting Agenda #18, 2010) Some have argued that this cost is too high to taxpayers.

The province, on the one hand, does not need to worry about cost-benefit. A report by Martin Prosperity Institute last year stated that accessibility has a fairly positive economic impact on Ontario, in the areas like: employment income, educational attainment, productivity and ID, innovation, extended workforce participation and tourism. For instance, the report highlighted the benefits of developing accessibility under the AODA including: 'an

increase of up to \$1.6 billion in new tourism revenue; an additional increase in total sales of between \$3.8 and \$9.6 billion; and up to \$359 million in employment income'. (Martin Prosperity Institute's Report) However, the report fails to estimate benefits for individual municipalities so they do not know whether they will benefit from any direct cost offsets or not. For this issue, the AMO acts as a bridge to harmonize provincial regulation and municipalities' implementation. AMO recommended that the provincial government prepare a cost-benefit analysis in the local context. AMO stated that 'It is only with this understanding that municipalities can determine whether the goals and timelines as set out in the integrated regulation are achievable without undermining municipalities' resource capacities and competitiveness'.(AMO Response to the Proposed Integrated Accessibility Regulation under the AODA 2005)

To answer these questions which I believe are the same problems in Chinese context, I conducted an interview with Kate Graham, who is working on AODA in the city of London and she graduated from MPA in 2008. For the first question, she responded that 'the goal behind the AODA is to create an inclusive society in which everyone can participate to his/her full potential, not limited to the disabled. The City of London, or Ontario, can benefit from providing full accessibility for persons with disabilities as a whole. Increased access and inclusion, for example, will also benefit seniors who have mobility, hearing and visual difficulties that increase with age. Youth with disabilities, especially, will have more opportunities for educational achievement. Moreover, consumer spending by the disabled will rise, and our quality of life or our social relationships will be enriched by the fuller inclusion of persons with disabilities'. For the second question, she also has positive attitude, 'as

accessibility increases, people with disabilities having more opportunities to use services and access public facilities; to participate in community activities; to achieve higher level education; to attain higher levels of income by improved employment outcomes'. She also mentioned that 'because the AODA applies to municipalities across Ontario, there is an opportunity to save money by working with other municipalities to develop policies, training materials, etc. We are actively working with other municipalities and developing partnerships in our accessibility work to ensure that we make the best possible use of resources and provide the maximum benefit to people with disabilities and the community'.

In addition to interview findings, there are also some points from my literature review to support the above opinions. First of all, according to the Royal Bank of Canada, 'people with disabilities have an estimated spending power of about \$25 billion annually across Canada. People with disabilities also represent a large pool of untapped employment potential'. When we make London, or Ontario accessible to people with disabilities, everyone benefits. Another point is that the economic and social scholars used intangible values methods to identify that 'the current accessibility projects and other programs related to assist the disabled have high economic benefits and its Cost-Benefits-Ratio is estimated high'. As accessibility increases, people with disabilities will bring their talents to the workplace and in all other aspects of life, for instance. (Townley 2008, p 148)

As a public program, accessibility initially has a couple of social benefits. But, whether it is economically beneficial or not; or how much its tangible benefits are, is still a big issue needs all decision-makers think about. ((Townley 2008, p 150)

Chapter 4: Comparison: Accessibility Legislation and Implementation in China

1. General Background of Accessibility of Disability in Mainland China

China is a developing country with a huge population and it is also a society in which people with disabilities account for a large percentage of its population. According to national census 2010, the population of disabled people in China is about 83 million, which accounts 6.34% of the total population. In turn, in every 4-5 families, there is a person who is disabled. In particularly, there are 12.3 million people with vision disabilities, 20 million with hearing disabilities, 1.3 million with speech or language impairments, 24.1 million with injury or physical disabilities, 5.5 million with intelligent disabilities, 6.4 million with mental disabilities and 13.6 million with multi-disabilities, according to the census.

On the one hand, the people with disabilities are an integral part of the Chinese citizenry who need and have equal rights to participate in daily life; on the other hand, they are a group with ‘physical or mental impairment which has a substantial long term adverse effect on their ability to carry out normal day activities’. (Johnstone, 2001: 10) Therefore, the Chinese government attaches great importance to disabled people.

(1) Legislations and Regulations on Protection of People with Disabilities

In the national level, first of all, China has enacted a comprehensive law to protect people with disabilities - Law of the People's Republic of China on the Protection of Disabled Persons (LCPDP). The LCPDP was introduced in December, 28, 1990 and; amended and updated in April 2008. In addition, there are two regulations especially in accordance with

education and employment for the people with disabilities- Regulations on the Employment of Persons with Disabilities and Regulations on the Education of Persons with Disabilities. Besides, there are more than 50 laws and regulations directly or interactively related to protect persons with disabilities, including Constitution of PRC, Civil Law, Criminal Law, Education Law, Employment Law and Public Security Administration Law, etc. At the local level, each province, autonomous region and direct-control city has enacted the approach to the LCPDP.

(2) Institutions working for protecting the people with disabilities

To begin with, the China Disabled Persons' Federation (CDPF), (*残联 can lian*), set up in 1988, is a people's organization which is recognized by national legislation and the State Council, and approved by the disabled and their families and friends. It is the unified organization of various types of people with disabilities. The CDPF's mission is: promoting humanitarian ideas, developing disablement affairs, encouraging persons with disabilities to equally and fully participate in social life and share social and material cultural achievements. Under the LCPDP, 'the CDPF and its local organizations shall represent the common interests of persons with disabilities, protect their lawful rights and interests, unite persons with disabilities and enhance education among them and provide service for them. The CDPF and its local organizations shall conduct work on disability and mobilize social forces in developing the undertakings for persons with disabilities in accordance with laws, regulations and its constitution or as commissioned by the government.' Their work is focusing on the

areas of rehabilitation, education, employment, cultural life, social security, accessible environment, legal liabilities related to persons with disabilities in the whole nation.

Moreover, municipalities and under-level counties also make provisions on protection of people with disabilities and employment promotion for the disabled. As the LCPDP mandates, ‘People's governments at and above the county level shall incorporate the work on disability into their economic and social development programs under strengthened leadership and with overall coordination, and shall include expenditure on disability programs in budget arrangements with a view to establishing mechanisms of guaranteed resources’.

Finally, besides the CDPF and its local organizations and all levels of governments, there are also many associations and foundations making efforts to protect and service the persons with disabilities, such as China Welfare Fund, China Rehabilitation Association, China Children and Teenagers' Fund, the China Women Development Foundation, China Youth Volunteers Association and so on.

2. Current Situation and Problems of Accessibility of Disability in China

(1) Major Achievements of the Development of Accessibility of Disability

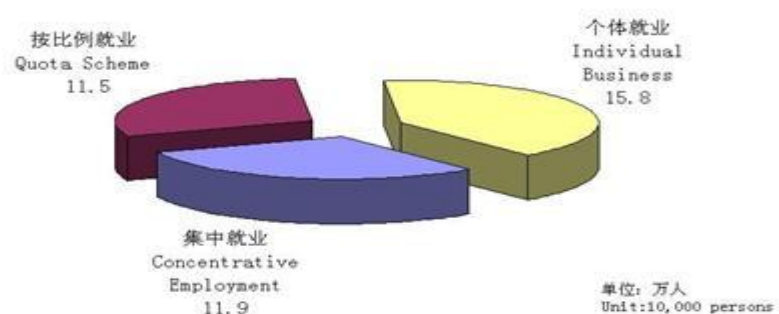
Based on my literature review and document research from the 1900s, the achievements of accessibility for disability focus on the following areas: rehabilitation, education and employment.

1) From 1988-2007, there are around 6 million blind persons see again through cataract surgeries; and through the physical training program, mental illness treatment and deaf children language training, there are more than 5 million disabled people in varying degrees of rehabilitation. (People with Disabilities Development and Well-off Process Report of China 2010) Take 2007 for example, more than 800,000 cases of cataract surgeries were conducted, according to CDPF Report 2008. In the year, 32,000 low-vision patients received vision aids service; 13,000 disabled children's parents got family-based rehabilitation trainings and 12,224 blind persons received orientation mobility trainings. Moreover, as to psychiatric disabled persons, 10,781 of them were lifted out of locking-up and 337,000 persons with mental disorder in poverty got relief. Finally, 5835 rehabilitation training centers for people with physical disabilities were set up. Training was provided to 88,000 physically disabled persons. (CDPF Report 2008)

2) Through the establishment of sound policies and regulations, strengthened training and services, and other measures to promote employment of people with disabilities, a considerable amount of persons with disabilities achieve their employment rights. In 2007, about 392,000 disabled persons in urban areas were employed, including 119,000 through concentrated employment, 115,000 through quota employment and 158,000 through self-employment and around 16,965,000 disabled people in rural areas were employed as well, see Figure 4.1, according to CDPF Report 2008.

Figure 4.1 Newly- added Employment of Disabled Persons in Urban Areas in Year 2007

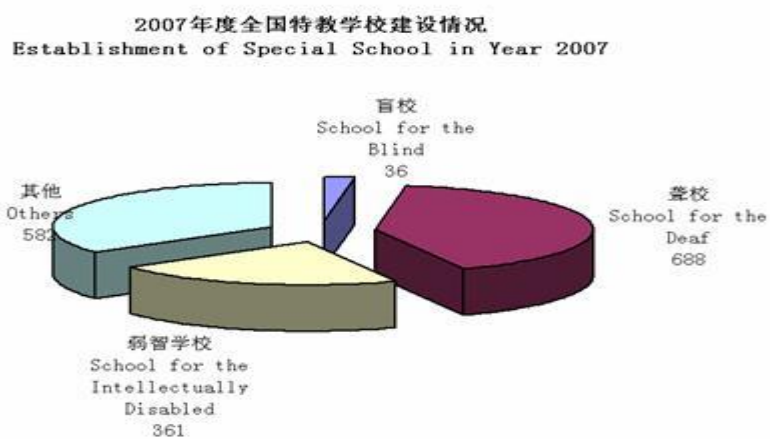
2007年度全国城镇残疾人新安排就业情况
Newly-added Employment of Disabled Persons in Urban Areas in Year 2007



Source: CDPF Report 2008

3) From 1988 to 2007, the right to education for disabled persons was better guaranteed, and the quality and capacity of disabled persons to participate in social life was improved. There were 1,667 special schools and 2,803 special classes affiliated to mainstream schools for the blind, deaf and intellectual disabled children, enrolling 580,000 students with these categories of disabilities, until 2007, see Figure 4.2, according to CDPF Report 2008.

Figure 4.2 Establishment of Special School in Year 2007



Source: CDPF Report 2008

(2) Major Problems of the Development of Accessibility of Disability

Although China has initially formed the disability legislation system and it has been effectively implemented, there are still some problems and drawbacks that can not be denied or ignored. Through literature review and interviews, these problems include different cognition and understanding, low policy coverage, lagging legislation and lack of unified standards and supervision systems.

1) Disability policies and programs in China are supposed to ‘protect’ and ‘help’ rather than provide ‘equal access to the people with disabilities. (Li Youmin, 2010: 6) From the legislation perspective, the purpose is to protect the Chinese with disability to equally have legal rights and help them participate in daily life; however, without a fully accessible environment, how can these disable people truly access into work, school, community and other aspects of daily life? (Li Jie, 2004: 38) Moreover, some scholars argue that ‘protection’ means that we treat the disabled persons as ‘with drawbacks, blemishes or defects’; initially, it is a mistake in cognition and understanding of ‘disability’ and ‘equality’. (Liu Yangxia, 2008: 60) What’s worse, ‘some people, especially those do not have families or friends with disabilities, can not understand the disabled. They treat them as ‘weak group’ (弱势群体, *ruoshiqunti*) and ignore them,’ Liu Xiuying, the chairman of Qinhuangdao DPF. In short, equal rights of the disabled have not been widely accepted in China.

2) Welfare and policy coverage is low and imbalance in urban-rural development.

According to People with Disabilities Development and Well-off Process Report of China 2010, see Table 4.1, although the percentages of people with disabilities receiving rehabilitation are increasing from 2007 to 2010, the percentages are still very low.

Table 4.1 Percentage of People with Disabilities Receiving Rehabilitation (%)

	2007	2008	2009	2010
Vision disabilities	16.2	21.7	21.3	31.9
Hearing disabilities	13.1	16.1	17.1	25.2
Speech or language impairments	15.6	17.0	19.1	22.4
Injury or physical disabilities	22.1	25.1	24.5	35.9
Intelligent disabilities	17.0	20.0	19.5	30.3
Mental disabilities	32.1	42.1	41.3	55.7
Multi-disabilities	20.1	25.9	24.1	36.0

Source: People with Disabilities Development and Well-off Process Report of China 2010

Another example is education coverage of disabled adults, see Table 4.2. In the Table 4.2, T is Total; U is urban; R is rural. It obviously shows that nearly a half of adults with disabilities have never gone to school until 2010; and the percentages in rural areas are much higher than that in urban areas. In practice, ‘one of the reasons for low coverage is that some disabled are not self-confident or even self-abased. They are shy about from asking help from society’, Li Wenge, the vice-mayor in Fuing said. ‘Sometimes, it is difficult for government to provide society welfare to them.’

Table 4.2 Education of Adults with Disabilities (older than 18) (%)

	2007			2008			2009			2010		
	T	U	R	T	U	R	T	U	R	T	U	R
Non-educated	42.4	24.8	49.1	42.1	24.2	47.9	41.8	34.2	46.2	40.9	32.9	45.3
Primary school	35.1	30.3	36.0	35.0	30.3	36.5	34.8	30.9	37.0	35.2	31.1	37.5
Secondary school	15.8	26.4	12.1	15.9	26.3	12.6	16.5	21.2	13.7	16.7	21.4	14.1
High school	3.9	9.4	2.1	4.0	9.8	2.1	4.1	7.2	2.3	4.3	7.8	2.3
Under-college	1.5	4.3	0.5	1.5	4.2	0.6	1.5	3.2	0.5	1.5	3.1	0.6
College	0.8	2.7	0.2	1.0	3.1	0.3	0.9	2.2	0.2	1.0	2.4	0.2
University (more)	0.5	2.1	0	0.5	2.1	0	0.5	1.2	0.1	0.5	1.2	0.1

Source: People with Disabilities Development and Well-off Process Report of China 2010

3) Accessibility legislation is lagging and lags behind policies and programs. The LCPDP discussed previously, was first introduced in 1990 and updated in 2008, nearly 20 years later. Moreover, in 1990, disability awareness has just started and knowledge of it was not national-wide. Also, the economic development was limited and the social welfare system was inadequate. Therefore, the legislation was too general and lacked real measures to help people with disabilities. The definition of ‘accessibility’ was first introduced in legislation in 2008, which is LCPDP 2008. However, there was still no clearly designed standard to measure accessibility, not to mention local regulations and provisions. For example, Beijing is the pioneer in developing accessibility and is the first local government to provide local accessibility regulations. However, many scholars state that Beijing put accessibility in their

priorities because of its capital function and holding the Beijing 2008 Olympic Games. (Cheng Hong, 2008:37) As the national political and cultural center, Beijing has to show its achievements to the whole country and even the world. However, for other provinces, regions or cities, even in Shanghai, there was no special regulation relating to accessibility until 2008. (Cheng Hong, 2008:37)

4) There is no unified legislative standard to regulate and supervise accessibility and disability policies and programs. As discussed in the last paragraph, because of lack of legislative standards to regulate accessibility constructions and other disability policies, local governments implement the programs based on different benchmarking. Take Shanghai for example, the City Strategic Plan for 2008 only regulated public transportations, new neighborhoods sidewalks and public architectures, but did not mention facility design standards, penalties or timelines. (Zhang Dong, 2010:30) As a result, we can see a lot of locked elevators in subway stations or other public places, or barrier-free lanes filled with debris; or the designated parking spaces were used by persons without disabilities. (Cheng Hong, 2008:40) As to local DPF, they did play an important role in servicing and encouraging the people with disabilities; however, they did not fully participate in policy-making, standard designing, program review or supervision. What they are doing is not enough. (CDPF Report 2008)

Chapter 5: Recommendations and Conclusions

1. Recommendations on China's Accessibility

Chapter 2 analyzed the legislation and policies on accessibility in Ontario, Canada and summarized some remarkable characteristics. Moreover, Chapter 3 briefly introduced the current situation of accessibility in mainland China and listed some problems through comparison with Ontario. In comparing and contrasting major themes within the two countries, some patterns are worth highlighting. In this chapter, I will provide some recommendations to Chinese regional and local governments in designing provisions for the people with disabilities.

First of all, raising awareness of accessibility. Raising awareness is an important part of reaching the goal of an accessible society. In the Canadian context, we see a substantive understanding of equality in the sphere of disability issues. People with disabilities deserve dignity and quality, justifiably seeking the equal rights to experience the same fullness of opportunity and participation as all others. They put forward disability related supports as their first priority for gaining access to the quality of life that people without disabilities may enjoy; but, without these supports, it can be very difficult to get to school, to work, to enjoy recreational activities or even just to visit near their homes.

Furthermore, the goal behind accessibility is to create an inclusive society in which everyone, including the disabled, can participate to his/her full potential. As discussed in Chapter 2, it also benefits seniors; and aging is also an issue of high importance for the development of a

country. 'It is a group that is projected to grow, as the population ages. It is also a group that any one of us may become a member of.' (Pothier and Devlin, 2006:52) From an economic perspective, in addition, accessibility has the potential to help strengthen the local economy 'by accelerating the development of inclusively designed places, products and services'. In turn, the disability market has a huge potential. As a result, developing accessibility is fairly necessary. (Crichton and Jongbloed, 1998: 57)

Another recommendation is to make accessibility laws and regulations more detailed and to design 'fully accessible' plans. The AODA designed five standards related to services, goods, buildings, facilities, employment, and accommodation to make Ontario accessible. In the Chinese context, the following areas need to be seen as priorities: 1) Architectural or structural accessibility. This can result from the design stairs, doorways, and the width of hallways of a building. 2) Technology. Lack of it, can prevent people with disabilities from accessing information. All these tools like computers, telephones and other aids can all present barriers. 3) Systemic policies and procedures. There are many practices or rules that restrict people with disabilities, for instance, denying access to a person with a support person or a service animal. 4) Information and communications. Barriers like small print size, low color contrast between text and background, printed materials and language can all cause difficulty for people to communicate or receive information.

Third, enhancing accessibility to governments' agendas and improving enforcement. Local governments are ideally situated to make their locality accessible to residents and visitors with disabilities. However, due to some historical, political and economic limits, the

implementation of accessibility is facing many obstacles, according to interview findings. The feasible approach to enhancing the capacity of local institutions to improve accessibility is to unify legislative standards of accessibility and to mandate timelines, penalty and reporting systems. Another method is that the provincial and regional governments should prepare clear regulations in their Approaches to the LCPDP and develop effective guideline for municipalities, according to Liu Xiuying's opinion. In addition to legislative and administrative pressures, the local governments need to train staff to raise their work abilities and awareness, and provide effective learning resources and tools for private sectors. Furthermore, they can draw lessons from universal accessibility design standards and advanced experiences from other countries to improve the standards and regulations, such as USA and Canada.

The last recommendation is to strengthen ties with local DPF. One of the most important reasons causing the accessibility in China to develop slowly is the lack of supervision and review mechanisms. In the traditional system, the government is the only institution with the functions of making regulations, implementing policies and programs and examining themselves. In this process, the procedures and actions of governments can not be very transparent and lack of social supervision. For this problem, DPF, as the third party, is the best choice for advising, encouraging, assisting, supervising and reviewing the process of policy implementation, because they represent the common interests of persons with disabilities. (Li Youmin, 2010:8)

2. Conclusion

People with disabilities represent a significant and growing part of our population, both in the Canadian and Chinese context. Disability is not only a personal experience but also a public issue of great significance. Enhancing the ability of people with disabilities to live independently and contribute to the society will have fairly positive effects on future prosperity.

This research paper, therefore, provides an international insight into accessibility in both Canada and mainland China. Through literature review, interview and primary data research, I discovered that the Government of Ontario, Canada succeeds in demonstrating leadership in improving equal rights and opportunities for people with disabilities. They make great efforts to foster an inclusive Ontario by identifying and removing barriers faced by persons with disabilities. They build a road that respects the dignity, independence, integration and equal opportunity for the disabled through a series of laws and a great deal of local policies and programs. As a Chinese, I got a huge shock on the gap of accessibility between those two countries. Through comparison on those two countries, in terms of awareness, legislation and policies of accessibility, I got a preliminary research result and provided recommendations on what lessons China can learn from Canada about how to design and implement accessibility provisions for the disabled.

Last but not least, I have to say that accessibility legislation and policies in Ontario Canada are not perfect or without issues and that there are still some difficulties and obstacles. On the other hand, the disability policies in China also have advantages; and there are

thousands of Chinese devoting themselves to working for the disabled. However, when comparing those two states, the accessibility systems in Canada have overwhelming superiority. Due to historical, economic and social reasons, China's accessibility is at initial stage and needs to further learn advanced experiences from other countries.

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