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Subject: FW: Rich Donovan's Interview with "the Trillium" Blasts Ford Government's Response to His Call for a Crisis Response to Ontario's Disability Inaccessibility Crisis

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Subject: Rich Donovan's Interview with "the Trillium" Blasts Ford Government's Response to His Call for a Crisis Response to Ontario's Disability Inaccessibility Crisis

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Rich Donovan's Interview with the Trillium Publication Blasts Ford Government's Response to His Call for a Crisis Response to Ontario's Disability Inaccessibility Crisis

January 17, 2024

SUMMARY

The person whom the Doug Ford Government appointed to pass judgement on its implementation and enforcement of the landmark [Accessibility for Ontarians with Disabilities Act](#) gave the media a blistering assessment of the Ford Government's response to his [final report](#). Read that interview in the Trillium publication, below. In 2022, the Ford Government appointed Mr. Rich Donovan to conduct the mandatory fourth Independent Review of the AODA's implementation and enforcement.

On March 1, 2023, Donovan delivered a [scathing interim report](#) to the Government, which the Government made public eight days later. On June 6, 2023, he gave the Government his similarly [critical final report](#). This time, the Government kept it secret for over six months, releasing it to the public on December 18, 2023. The Government [refused to disclose](#) that final report earlier when it received [a Freedom of Information application](#) from AODA Alliance Chair David Lepofsky. It gave David Lepofsky the obviously bogus reason that to reveal this report could disclose confidential secret Cabinet discussions. Yet the AODA itself required that the report be made public. Moreover, any read of the report, which is now public, shows that it reveals absolutely no secret Cabinet discussions.

In this Trillium interview, Rich Donovan has stark words for the fact that his final report declared that there is an inaccessibility crisis in Ontario, calling for a crisis response, and yet the Government's initial response to the report does not say anything about this as a crisis:

“I noticed there was one word missing from the response, and that's "crisis." So, it's pretty obvious to me that the government does not agree with my assessment of a crisis, otherwise they would have used that word.”

Donovan noted the irony that it took him a year to write this report, and yet it took the Government fully six months just to release the report to the public, concluding:

“What I want, and what I've asked for, is accountability directly from the premier and directly from the secretary of cabinet and I see no evidence of that to date.”

As the AODA Alliance's [December 18, 2023 news release](#) outlines, we agree with some of Mr. Donovan's proposed solutions, but disagree with others. For example, we don't agree with his proposal for Ontario to upload its legislative jurisdiction regarding the private sector to the Federal Government. It's a counterproductive idea. It would require a constitutional amendment. The Federal Government undoubtedly won't want to take on this provincial burden.

We also disagree with Mr. Donovan's apparently denigrating the hard work of the many Standards Development Committees appointed under the AODA in the Trillium article, as “activists who sit in a ballroom for a week”.

This new interview should be read alongside the powerful [guest column that was published in the September 16, 2020 Toronto Star](#) by the three leading Ontarians who conducted the three previous Government-appointed AODA Independent Reviews, Charles Beer, Mayo Moran and former Lieutenant Governor David Onley. Like Donovan's reports and his Trillium interview, that 2020 guest column criticized the ongoing failure of Government leadership to tackle the many barriers that impede Ontarians with disabilities.

We also invite you to read the [January 3, 2024 Toronto Star editorial](#), that slammed the Ford Government for its response to Rich Donovan's final report.

How can you help? Urge your local media to interview Rich Donovan. Send this Trillium interview to your MPP and ask what they are doing to press Premier Ford to set up and chair the much-needed crisis committee that Rich Donovan recommended and that we endorse!

Send us your feedback. Write us at aodafeedback@gmail.com

MORE DETAILS

The Trillium December 19, 2023

Originally posted at [https://www.thetrillium.ca/news/social-services-and-society/qa-aoda-reviewer-rich-donovan-on-ontarios-failure-to-see-a-crisis-](https://www.thetrillium.ca/news/social-services-and-society/qa-aoda-reviewer-rich-donovan-on-ontarios-failure-to-see-a-crisis-8002492?utm_source=TheTrillium.ca&utm_campaign=bbad5c4633-TrilliumNewsletterAM&utm_medium=email&utm_term=0_b3cbcfadf7-bbad5c4633-324333570)

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Q&A: AODA reviewer Rich Donovan on Ontario's failure to see a crisis

The author of a provincially mandated report speaks out on the lack of political will for making Ontario accessible

Jessica Smith Cross

Rich Donovan was tasked with writing the fourth review of the province's progress on implementing the Accessibility for Ontarians with Disabilities Act (AODA) by its 2025 deadline.

It's going so well that he recommended the government declare a crisis.

Instead, the government sat on his report for six months and released it quietly at the end of the legislative sitting.

Donovan's report said the province will fail to meet the goal it set 20 years ago of making Ontario accessible for people with disabilities by 2025.

Beyond declaring a crisis, he recommended the government create a crisis committee chaired by the premier himself, as well as an agency to elevate AODA delivery above the politics of the legislature and co-

ordinate a whole-of-government approach. He urged better data collection with input from Ontarians with disabilities. And, in part because of the province's lack of progress over the last two decades, he recommended the government pass responsibility for the most costly challenge — making built environments in private-sector buildings accessible — to the federal government.

In response to the report, a spokesperson for the Ministry of Seniors and Accessibility said the government is planning to update building evacuation plans for all government-owned and leased buildings to ensure the safe evacuation of persons with disabilities. It's also planning to move on two other recommendations of the report: establishing a volunteer group of everyday people with disabilities to provide their direct experience and feedback on accessibility issues and ensuring all government procurement through Supply Ontario incorporates accessibility standards.

Addressing the delay in releasing the report, the ministry spokesperson said, "Given the complexity and expansive scope required when addressing issues around accessibility, we believe Mr. Donovan's report warranted time spent on a thoughtful analysis and response to his recommendations and that is what we have done."

Here's The Trillium's conversation with Donovan about his report and the response to it at Queen's Park, lightly edited and condensed for readability.

Q: There's already some news coverage of the report itself, but I wanted to hear from you specifically about the government's response to what you said in the report. Can we start there?

A: I noticed there was one word missing from the response, and that's "crisis." So, it's pretty obvious to me that the government does not agree with my assessment of a crisis, otherwise they would have used that word.

Q: I understand you submitted this report to the government six months ago.

A: That's right. June 6.

Q: And what do you make of them taking six months to table it in the legislature, thereby making it public?

A: Ha, well, it only took a year to write, so it took half of that period to release it. It's rather ironic that I gave them six months to solve the crisis and it took them six months to release the report. I think, fundamentally, it goes back to leadership. There's a reason why I didn't assign the Ministry of Accessibility with ownership of this file — because they haven't been able to deliver results over the last 17 years. What I want, and what I've asked for, is accountability directly from the premier and directly from the secretary of cabinet and I see no evidence of that to date.

Q: One of the biggest things recommended in the report is the jurisdictional change, where the federal government would be responsible for private-sector accessibility compliance. Do you think it's feasible? Do you think that the federal government is ready to take ownership of this?

A: Anything is feasible. To be fair, this isn't that difficult. I don't have a mandate to give recommendations to the federal government, but when we did our analysis, we found one of the big problems was how do you regulate 400,000 small businesses? The provincial government doesn't have the bodies to regulate that many companies. (Donovan noted in his report that the Compliance and Enforcement Branch of the AODA has approximately 25 staff.) The only entity we could think of that touches every one of these companies is the CRA. So what we envisioned is using the tax-collection process to first collect data to understand what companies are doing — because that data doesn't exist today, in any form. So, the first three to five years, simply getting data together, understanding the lay of the land, and auditing those statements by businesses, as the CRA does all the time. Then, once we get a good understanding of where companies are, we develop a set of policies to help those businesses change their behaviour.

By the way, we note this in the report a couple of times: Canada is the only country in the world that doesn't put this at the national level.

Q: In your report, you separate accessibility of the built environment from everything else. What's the most pressing need when it comes to the built environment?

A: Cash. We're talking physical assets that either need to be remediated or, frankly, in some cases, torn down. That takes cash. In my world of finance (Donovan is CEO of The Return on Disability Group and a former portfolio manager at Merrill Lynch), that means there's a ton of risk associated with that. Who owns that risk? The building owners, or is that something the government wants to take on and say, 'If we're going to change this, we have to take the risk away from you.' And there are ways to do that.

Q: The TTC made headlines recently for saying they're not going to meet their Jan. 1, 2025, AODA deadline of making all of their stations accessible. The response I saw from people online was, "They had 20 years. How could they not?" What do you make of that?

A: They had 20 years, so how could they not? Right? Twenty years ago, somebody decided we'll take care of it in 15 years, and figure it out later. Nobody's beating down my door to do it, so I'll punt it to the next general manager, which is how these things work. These are human beings in these organizations, they've got 40,000 priorities, if nobody's going to hold them accountable to this priority, they're going to punt it. That's what they did. That's what usually gets done with this file because they're not being held accountable by the media, the opposition, there's no organized, effective lobby for disabilities.

Q: And what's the highest priority in the everything else, not the built environment, category?

A: Data. The Ministry of Accessibility had no data on what accessibility looks like in the province. None. Zero. They don't know what changes need to be made. They don't know basic things like demographics. They don't know basic things like what are the drivers of inaccessibility. What they've relied on, historically, is activists who sit in a ballroom for a week and tell them what's going on. I know that because I was one of them. So, what they need to do is start doing proper research and, by the way, volunteering for giving feedback to the government is not proper research. Again, not a great start by making these people volunteers. Proper research pays people for their input. We're here because we relied on volunteers to tell us what they thought and we didn't understand what's going on in the cities and towns and villages in Ontario because we didn't ask.

Q: So, you're thinking more like a paid focus group on a large scale?

A: Absolutely. Thousands of qualitative, quantitative conversations to really understand what's going on. This is not difficult to do, and it's not costly. We're talking about 10s of thousands of dollars in budget. This is what we would do for any other population.

Q: Back to the situation at Queen's Park. The NDP was a bit taken aback by your criticism of the Opposition — they're not the only opposition party in the province, but they've been one for the 17 years you speak of in the report. They certainly see themselves as advocates for people with disabilities. Part of their response to your criticism was that of the 13 times the AODA has been brought up in the legislature this sitting, 12 were from them. I take it you see things differently.

A: Any opposition on this file has been an absolute failure over the past 17 years. I fundamentally reject the NDP's assertion that they've been doing a good job here. They haven't done their homework — in their response to me, they mentioned ODSP (the Ontario Disability Support Program) and WSIB (the Workplace Safety and Insurance Board), neither of which have anything to do with the AODA. I would politely suggest to them they go back and do their homework before they start being defensive. I don't see them anywhere on this file, period. I can say that federally and provincially across the country.

Q: What do you think would create that political will that you see is lacking on all sides?

A: This is 27 per cent of the population. Every one of those people has at least one person directly attached to them with a disability. I don't understand why politicians wouldn't jump up and down on this issue as a way to emotionally connect with voters. Any good political operative would tell you the best issues are raw emotion — it doesn't get any more raw emotion than this issue. So, rather than looking at this as a social justice issue or left-right issue, which it's not, these guys need to find a way to understand what's actually going on.

If I was a politician, which I'm not, thankfully, I would be spending a lot of my time trying to get this right, trying to understand what's causing these folks to disconnect from the economy. How can I take

advantage of that, politically, to drive up my vote count, which is what politicians care about, right? I don't see any of that going on. It's like what I've been doing for 20 years with companies in the economy — helping companies realize, oh sh--, this is a big opportunity. Politicians are doing the same thing — they're just 20 years behind the curve. You're starting to see that shift federally, where they're realizing, A, I didn't realize this population was so big, and B, so economically influential, C, so rich with votes. So I think it's time the political side wakes up and realizes we'd better get this right.

Q: What else would you like to say?

A: I think the root of this problem is decades of discrimination, starting with eugenics, which was a state-supported approach to eliminate disability in some countries. We can't forget that reality and that's what's at the base of these issues. That, thankfully, is in our past, I hope. Now we need to get serious about rebuilding the infrastructure to make sure that we squeeze every drop of value out of every person in society. We're nowhere near doing that. In order to do that, it's going to require a pretty big shift in tweaking some of the things that we've built and it appears that the current government isn't ready to do that yet.

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