



HOUSE OF COMMONS
CANADA

ACCESSIBILITY FOR ALL

Report of the Standing Committee on Human Resources, Skills Development, Social Development and the Status of Persons with Disabilities

**Raymonde Folco, M.P.
Chair**

Subcommittee on the Status of Persons with Disabilities

**Ken Boshcoff, M.P.
Chair**

June 2005

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THE STANDING COMMITTEE ON HUMAN RESOURCES, SKILLS DEVELOPMENT, SOCIAL DEVELOPMENT AND THE STATUS OF PERSONS WITH DISABILITIES

has the honour to present its

EIGHTH REPORT

In accordance with its mandate under Standing Order 108(1) your committee established a subcommittee and assigned it the responsibility of examining the status of persons with disabilities.

The Subcommittee studied issues related to accessibility for persons with disabilities.

Your committee adopted the following report which reads as follows:

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ACCESSIBILITY FOR ALL

I think the biggest challenge in the area of disability is to try to move it to front of mind. ... the bigger breakthroughs come through that public front-of-mindedness. That's when things really begin to change, and that becomes part of the challenge and the task. (Hon. Ken Dryden, Minister of Social Development, Testimony before the Subcommittee on the Status of Persons with Disabilities, 20 April 2005)

INTRODUCTION

In December 2004, the Technical Advisory Committee on Tax Measures for Persons with Disabilities submitted its much-awaited report entitled *Disability Tax Fairness*. This concluded a period of almost four years during which the Subcommittee on the Status of Persons with Disabilities made it a priority to analyze tax measures, in particular the revision of the tax credit for persons with disabilities, and was thus able to exert a decisive influence on the recommendations of the Technical Advisory Committee. Almost all of these recommendations were integrated into the federal government's 2005 Budget. This does not mean, of course, that all the problems have been solved, and the Subcommittee will be keeping an extremely watchful eye on the implementation of these recommendations.

Before opening a new chapter, the Subcommittee members felt it important to begin a transition period in which to take stock of the federal government's activities relating to persons with disabilities. The theme of accessibility was chosen because it related to a great number of subjects and different departments.

The term "accessibility" is normally used to describe the absence of obstacles preventing a person with disabilities from fully using a building's facilities. This definition is completely valid, but the Subcommittee members wanted to give the term the broadest possible meaning. In this report, accessibility is understood to be the absence of obstacles to the full enjoyment of the services, programs and public goods over which the Government of Canada or Parliament of Canada exercise jurisdiction.

The objective was thus to get an overview of as many accessibility-related questions as possible in order to identify the weak areas where more concerted action should be a priority. This subcommittee report is thus both an assessment and a program.

The six following subjects are dealt with:

- the follow-up to give to the recommendations of the Technical Advisory Committee on Tax Measures for Persons with Disabilities;

- the accessibility of buildings under federal jurisdiction;
- the accessibility of benefits from the Canada Pension Plan Disability Program;
- the accessibility of means of transportation under federal jurisdiction;
- the accessibility of jobs in the federal public service; and
- all the issues of accessibility related to Parliament Hill and the Administration of the House of Commons.

The Subcommittee's objective was not to conduct an in-depth analysis of each of these subjects. That would have been impossible in such a short period. The primary objective was to determine whether the responsible institutions can meet their own standards in each of these areas. Given this, the Subcommittee deliberately limited itself to gathering testimony from the representatives of these institutions. The second objective was to assess whether, in light of the problems identified, the Subcommittee should at some point conduct a thorough study of the advisability of adopting a Canadian Persons with Disabilities Act, as the United States has done, and Mexico did quite recently. Such an act might better express Canadians' vision than the confusing multiplicity of acts, standards, policies and programs that currently prevails.

High standards call for corresponding results. This report is meant to reiterate the high standards that the government of Canada set itself and to assess some of its concrete actions. For the Subcommittee members, the ultimate criterion will remain, with no possible compromise, the full integration of persons with disabilities into Canada's social, economic and cultural life.

A. Follow-up on Recommendations by the Technical Advisory Committee on Tax Measures for Persons With Disabilities

It was with deep satisfaction that the members of the Subcommittee learned of the Government of Canada's decision to incorporate most of the recommendations in the report by the Technical Advisory Committee¹ into its 2004 and 2005 budgets. Twenty-one of the twenty-five recommendations were wholly or partially accepted.

The Subcommittee would however like to stress the importance of one of the four recommendations that the government did not act on: the Technical Advisory Committee's recommendation 5.1, which proposed the following:

¹ Technical Advisory Committee on Tax Measures for Persons with Disabilities, *Disability Tax Fairness*, December 2004.

Going forward, priority should be given to expenditure programs rather than tax measures to target new funding where the need is greatest. The Committee recognizes that the development of such programs would involve consultations with provincial and territorial governments and the disability community.²

This recommendation pointed out the fact that tax measures do very little to help people who pay little or no income tax — the very people whose needs are the greatest. Properly targeted expenditure programs would assure greater fairness by enabling persons with disabilities on low incomes to derive more benefit from the Canadian government's financial assistance. In the opinion of the Subcommittee's members, this is the direction the government should take immediately.

RECOMMENDATION 1

The Subcommittee recommends to the Government of Canada that it report on when it intends to implement recommendation 5.1 in the report of the Technical Advisory Committee on Tax Measures for Persons with Disabilities.

B. Accessibility of Federal Buildings

The question of the accessibility of buildings under federal jurisdiction arises mainly in the case of office buildings and those that are open to the public. All departments must apply the *Treasury Board Real Property Accessibility Policy*. This policy requires the application of technical standard B651, developed by the Canadian Standards Association (CSA). The Department of Public Works and Government Services Canada (PWGSC) is the largest manager of such buildings, with almost 2,000 units under its responsibility.

The Subcommittee wants first of all to stress the admirable willingness to collaborate shown by the PWGSC representatives, and their sincere desire to make the buildings for which they are responsible barrier free.

Two problems in particular struck the Subcommittee's members: the inaccessible premises of the Office for Disability Issues and the lack of clear data on buildings' compliance with the accessibility standards.

² Ibid., p. 113.

1. 15 Eddy Street

The members of the Subcommittee were flabbergasted to learn that the premises housing the Office for Disability Issues are not fully accessible. Representatives of the Office and PWGSC explained that an increase in the Office's staff had made the premises at 25 Eddy Street too small, and that use of adjacent premises at 15 Eddy Street was only a temporary measure, while premises with adequate space were made available to house the Office's 80-some employees permanently.³

The members are well aware of the difficulties posed by the shortage of office space in the National Capital Region. However, the public message that is conveyed by this lack of compliance, however partial or localized, has a highly symbolic significance that is quite simply unacceptable.

RECOMMENDATION 2

The Subcommittee recommends that the Department of Public Works and Government Services Canada identify as promptly as possible premises where the activities of the Office for Disability Issues could be housed as of 2006. These premises will serve as a model for fully barrier-free installations and will have to be compliant in all respects with the 2004 edition of standard B651 (CAN/CSA-B651-04), as formulated by the Canadian Standards Association.

2. Federal Buildings' Compliance with Accessibility Standards

According to the information provided by PWGSC, there has never been any comprehensive audit on the compliance of federal buildings with the *Treasury Board Real Property Accessibility Policy*. A preliminary study⁴ was published by PWGSC in October 2003, but it covered only a 102-building sampling and did not audit all of the Policy's accessibility elements.

³ Ms. Ursula Ruppert (Director General, Real Property National Capital Area, Real Property Branch, Department of Public Works and Government Services), Testimony before the Subcommittee on the Status of Persons with Disabilities of the Standing Committee on Human Resources, Skills Development, Social Development and the Status of Persons with Disabilities (hereafter SPER), 38th Parliament, 1st Session, Meeting 6, Wednesday, 9 March 2005, 1550; also Ms. Cecilia Muir (Director General, Office for Disability Issues, Department of Social Development), SPER, 38th Parliament, 1st Session, Meeting 3, Wednesday, 9 February 2005, 1600.

⁴ Public Works and Government Services Canada, *Final Report 2002-723 Review of Accessibility*. Mr. George Ens (Accessibility Coordinator, Real Property Branch, Department of Public Works and Government Services) SPER, 38th Parliament, 1st Session, Meeting 6, Wednesday, 9 March 2005, 1605.

It seems surprising that an exhaustive study has never been undertaken, since according to the PWGSC representatives an accessibility review is part of the report produced annually for each federal government building.⁵ Given that shortcomings have been identified in buildings with high symbolic value, such as the Confederation Building and the premises of the Office for Disability Issues, the members of the Subcommittee are concerned about the state of buildings that do not receive such attention.

RECOMMENDATION 3

The Subcommittee recommends that the Department of Public Works and Government Services Canada establish in 2005 an ongoing audit program of the compliance of federal buildings with technical standard CAN/CSA-B651-04, as formulated by the Canadian Standards Association. A progress report should be tabled in 2007, and all federal buildings must be audited by no later than 2009.

C. Accessibility of Canada Pension Plan Disability Benefits

In June 2003, the Standing Committee on Human Resources Development and the Status of Persons with Disabilities published an in-depth assessment of the Canada Pension Plan Disability (CPP-D) Program.⁶ In its response of November 2003, the government made a commitment to implement a number of recommendations and to report to the Standing Committee regularly on its initiatives. The first progress report was tabled on 20 April 2005, by the Hon. Ken Dryden, Minister of Social Development.⁷

The Subcommittee wants to emphasize the effort that has been made, and greets with special enthusiasm the automatic reinstatement of benefits. This modification to the CPP-D enables clients who have stopped receiving benefits after resuming employment to have their benefits reinstated, without a new application or reassessment, if they find themselves incapable of continuing to work because of a recurrence of their disability within two years of the date their benefits ceased.

A number of problems continue however to complicate the administration of certain aspects of the CPP-D. Among these problems the Subcommittee found two that the government should prioritize. The first is the disconnection between the work done

⁵ Ms. Ursula Ruppert, SPER, 38th Parliament, 1st Session, Meeting 6, Wednesday, 9 March 2005, 1620.

⁶ Standing Committee on Human Resources Development and the Status of Persons with Disabilities, *Listening to Canadians: A First View of the Canada Pension Plan (Disability) Program*, June 2003.

⁷ Department of Social Development, First Progress Report on the Government Response to the Report Entitled "Listening to Canadians: A First View of the Canada Pension Plan (Disability) Program," April 2005.

by physicians and that done by the CPP-D's nurse adjudicators. The second is the lack of clear statistical data on reasons for rejecting benefit applications and on the economic consequences of such rejections.

1. The Role of Physicians in Assessing Benefit Applications

Under the Canada Pension Plan legislation, beneficiaries of disability benefits must (1) be under the age 65; (2) have contributed to CPP for a minimum number of years; and (3) have a "severe and prolonged" disability that makes them "incapable regularly of pursuing any substantially gainful occupation," which usually means that beneficiaries must be incapable of holding down any employment, of any kind whatsoever.⁸

When it comes to determining an applicant's eligibility for disability benefits, there seems to be some ambiguity about the relative importance of the medical report and the judgment of the CPP-D adjudicators, who are not themselves physicians. The applicant's physician provides medical information that assists the adjudicators in determining the applicant's eligibility. An adjudicator may decide that the applicant is not eligible for benefits even if the physician's judgment was favourable. This leaves the distinct impression that the CPP-D adjudicators, who are normally nurses, interpret the data provided by the physician in a manner that dismisses his or her judgment, and moreover do so without ever having met the patient.

The explanations given by representatives of the Department of Social Development hinged on the fact that CPP-D adjudicators are specialists in the application of the Program's complex criteria, which physicians are not. According to these representatives, it would not be reasonable, from the public finance standpoint among others, to call on physicians to administer the Program. It is therefore preferable to limit their role to simply providing objective medical data, and leave judgments about eligibility to specialists in the Program's complex criteria.⁹

In the opinion of the Subcommittee's members, this explanation is not satisfactory. It implies that physicians are not competent to judge their own patients' fitness for employment, while on the other hand making the assumption that CPP-D adjudicators are entirely competent to interpret medical data provided by physicians.

⁸ "Our assessors attempt to determine an individual's ability to do a given job, not the individual's ability to do a job for a sustained period of time nor necessarily the individual's ability to do the job he or she was doing before the incident or illness that caused the disability." Ms. Susan Williams (Director General, Disability Benefits and Appeals, Department of Social Development) SPER, 38th Parliament, 1st Session, Meeting 3, Wednesday, 9 February 2005, 1625. See also *Canada Pension Plan Act*, section 42(2)(a)(i), and Social Development Canada, *A Physician's Guide to Canada Pension Plan Disability Benefits*, p. 2.

⁹ Hon. Ken Dryden, Minister of Social Development, SPER, 38th Parliament, 1st Session, Meeting 10, Wednesday, 20 April 2005, 1935; also Ms. Susan Williams, SPER, 38th Parliament, 1st Session, Meeting 3, Wednesday, 9 February 2005, 1655, and Meeting 10, Wednesday, 20 April 2005, 1925.

Two quite simple factors are getting in the way of integrating the work of physicians and CPP-D adjudicators. The first factor is of course the absence of physicians on the adjudication team responsible for determining applicant eligibility. In the 1980s, decisions on eligibility were made by a two-person panel, of whom one was a physician.¹⁰ In Quebec, where an equivalent system is administered separately, the analysis of medical reports used to determine eligibility for disability benefits under the Quebec Pension Plan is entrusted to a team of physicians.¹¹ This approach avoids a situation where a physician's judgment is overturned by someone who is not a physician.

RECOMMENDATION 4

The Subcommittee recommends that no application for disability benefits under the Canada Pension Plan be rejected for medical reasons without this rejection being a decision made by a physician.

The second factor involves the medical report form that must accompany the benefit application: it does not contain a single question that would allow the physician to give an opinion on his patient's ability to hold a job. By contrast, the Quebec Pension Plan medical report form contains a number of questions that ask the physician to evaluate the patient's fitness to work. Far from constituting the usurpation by physicians of the CPP-D's administrative authority, a similar approach would perhaps be more likely to encourage a productive exchange between physicians and CPP-D adjudicators.

RECOMMENDATION 5

The Subcommittee recommends that the medical report form accompanying an application for Canada Pension Plan disability benefits be amended to include at least one question allowing the applicant's physician to give an opinion on his patient's ability to hold a job.

2. Lack of Statistical Data

The Department of Social Development does not compile data that would make it possible to determine what happens to the 30,000 people whose applications for

¹⁰ See the Standing Committee on Human Resources Development and the Status of Persons with Disabilities, *Listening to Canadians: A First View of the Canada Pension Plan (Disability) Program*, June 2003, p. 61.

¹¹ Régie des rentes du Québec, *L'invalidité dans le Régime de rentes*. Guide du médecin traitant, p. 11.

disability benefits are rejected every year.¹² The Subcommittee's members are in no way claiming that these people should have received benefits, or that they are all without any means of support. The members are however troubled by the fact that this issue does not seem to be of concern to the administrators of the CPP-D.

Such data would for example make it possible to know what proportion of CPP-D benefits constitute an alternative to social assistance for the applicants. If it should turn out that a significant proportion of rejected applicants are living below the poverty line, a mechanism could be introduced to prevent these people from finding themselves on the street.

The absence of public data on the reasons for denial of benefits is also of concern to the members of the Subcommittee. Such data might help the administrators of the Program identify which eligibility criteria are less well understood and adjust their communication plans accordingly.

RECOMMENDATION 6

The Subcommittee recommends that the Department of Social Development compile statistical data, on an ongoing basis, on the reasons for rejecting Canada Pension Plan disability benefit applications, as well as on rejected applicants' socio-economic circumstances.

D. Accessibility of Modes of Transportation Under Federal Jurisdiction

With the passage of the *Canada Transportation Act* in 1996, the regulations on accessible transportation for persons with disabilities were replaced by voluntary codes of practice. Advocacy groups for the rights of persons with disabilities, in particular the Council of Canadians with Disabilities, argue that this decision by Transport Canada completely nullifies the power of the Canadian Transportation Agency to regulate the accessibility of transportation. Partly to protest Transport Canada's refusal to return to regulation instead of relying on voluntary codes of practice, the Council of Canadians with Disabilities withdrew from the Transport Minister's Advisory Council on Accessible Transport, of which it had been a member since 1979.

¹² Ms. Susan Williams, SPER, 38th Parliament, 1st Session, Meeting 10, Wednesday, 20 April 2005, 1950.

The instances most frequently invoked in support of this position are:

- VIA Rail's retention of its Renaissance passenger rail cars, even though the Canadian Transportation Agency had ordered VIA to eliminate 14 undue obstacles in the cars;¹³ and
- Airline carriers' use of inaccessible regional jets for routes that had previously been served by larger aircraft.

In the first of these instances, the Federal Court of Appeal overturned the Agency's decision in March 2005,¹⁴ but the Council of Canadians with Disabilities has appealed the Court's ruling. In the second, at least one law suit is still under consideration by the Agency. For the members of the Subcommittee, the fact that airline travel has become inaccessible for important interprovincial routes, and rail travel made more difficult, is a very serious concern that they will examine more closely.

In response to questions from members of the Subcommittee, who wanted Transport Canada's representatives to explain why voluntary codes of practice should be preferred, the representatives argued that they could not comment on matters that are before the courts or the Agency.¹⁵

While the Subcommittee's members understand that certain legal constraints may prevent Transport Canada from presenting its position in detail, they are not convinced that Transport Canada is sincerely committed to greater accessibility for persons with disabilities. The Department's representatives displayed no intention of taking prompt action in this matter.

The Subcommittee has not carried out a study that would enable it to assert that regulatory measures are necessarily more beneficial than the voluntary approach, but the members note that the government has not developed any well-supported arguments for its position, unlike the advocacy groups for the rights of persons with disabilities. The latter have found convincing evidence that voluntary measures are ineffectual. The Council of Canadians with Disabilities in particular has carried out a serious comparative study. It demonstrates that Canada's approach runs counter to

¹³ See press release issued by the Canadian Transportation Agency, "Canadian Transportation Agency Orders VIA Rail to Modify its Renaissance Trains to Improve Accessibility for Persons with Disabilities," 29 October 2003.

¹⁴ Federal Court of Appeal, *VIA Rail Canada Inc. v. Canadian Transportation Agency*, 2005 FCA 79.

¹⁵ Ms. Arlene Turner (Director General, International and Intergovernmental Relations, Department of Transport) SPER, 38th Parliament, 1st Session, Meeting 11, Wednesday, 4 May 2005, 1545, and Ms. Helena Borges (Executive Director, Rail Policy, Department of Transport) SPER, *Ibid.*, 1550.

initiatives developed in a great many countries where accessibility is now much better than it is in Canada.¹⁶

The Transport Canada representatives said that they were currently studying systems in other countries. However, the study process appears to lack transparency and has neither a fixed deadline nor a clearly-defined methodology.¹⁷ In the Subcommittee's opinion, the seriousness of the problems raised demands much more energetic action on the part of Transport Canada.

RECOMMENDATION 7

The Subcommittee recommends that the Minister of Transport immediately order an independent study of the comparative advantages of the regulatory and voluntary approaches to improving accessibility for persons with disabilities to modes of transportation under federal jurisdiction.

The parameters of this study should be determined by the Minister of Transport's Advisory Committee on Accessible Transportation, and presented to the Subcommittee on the Status of Persons with Disabilities. It should take into account the experiences of other countries. With an irreproachable methodology, the study would serve as a basis for discussion in which the viewpoints of government, advocacy groups for the rights of persons with disabilities and the Canadian transportation industry could all be voiced, in order to arrive at a long-term solution by no later than 2007.

E. Accessibility of Jobs in the Federal Public Service

Statistics on the representation of persons with disabilities in the federal Public Service are very encouraging. They show a representation of 5.7%, while workforce availability, which serves as a standard of comparison, is only 3.6%.¹⁸ The members of the Subcommittee are delighted by this progress.

¹⁶ Baker, David, *Only in Canada You Say? ... Pity! The International State of Transportation Accessibility*. Final report to the Council of Canadians with Disabilities, 1 November 2004. An update was published in February 2005 under the title *Moving Backwards: Canada's State of Transportation Accessibility in an International Context*.

¹⁷ Ms. Barbara Nelson (Chief, Accessible Transportation, Intergovernmental Affairs and Accessibility, Department of Transport) SPER, 38th Parliament, 1st Session, Meeting 11, Wednesday, 4 May 2005, 1620.

¹⁸ Public Service Human Resources Management Agency of Canada, *Employment Equity in the Federal Public Service 2003-04*, p. 23.

However, certain concerns were raised about the hiring of persons with disabilities. Only 3.1% of new hires are persons with disabilities, which is considerably below workforce availability. More disturbing still, this proportion has not improved in the past four years.¹⁹

It is difficult to understand how the statistics on representation of persons with disabilities have been able to improve while the statistics on hiring have not improved, and indeed are below the representation level. In the opinion of the Subcommittee's members, the necessary condition for maintaining and increasing the representation of persons with disabilities in the Public Service is increased new hiring.

RECOMMENDATION 8

The Subcommittee recommends that, without neglecting representation statistics, the performance of the federal Public Service with respect to the employment of persons with disabilities from now on be measured on the basis of hiring statistics. This change should be reflected explicitly in the next employment equity report tabled by the Public Service Human Resources Management Agency of Canada.

F. Accessibility to the Parliamentary Precinct

I think just as we're moving forward as a society, it's really important that Parliament Hill, as the centre of power and the symbol of our great country, is accessible. It sends a signal to all Canadians that Parliament is accessible to anyone who is elected to Parliament. (Steven Fletcher, MP, Testimony before the Subcommittee on the Status of Persons with Disabilities, 16 February 2005)

Mr. William Corbett, Clerk of the House of Commons, appeared before the Subcommittee on 16 February 2005 to "share some of the progress that has been made over recent years to make the Parliamentary Precinct more accessible, to remove barriers for persons with disabilities, and to integrate workplace accommodation"²⁰ in the day-to-day operations of the House of Commons.

With regard to physical access to the Parliamentary Precinct and workplace accommodation, the Clerk of the House of Commons informed the Subcommittee that some retrofits were recently made to committee and meeting rooms to increase accessibility and meet the special needs of a newly elected member of Parliament. The Subcommittee also heard that the House Administration offers work accommodation to

¹⁹ Ibid., p. 8.

²⁰ SPER, 38th Parliament, 1st Session, Meeting 5, Wednesday, 16 February 2005, 1535.

new and existing employees and to members of Parliament, and that it is developing a policy on workplace accommodation that will provide the framework for all related programs and initiatives in the future. The House of Commons has also developed its own employment equity program to increase workforce diversity.

Members of the Subcommittee appreciate the progress that has recently been made to increase accessibility to the Parliamentary Precinct and to facilitate the inclusion of persons with disabilities in the parliamentary workforce. However, we believe that further modifications are needed to ensure that the needs of members of Parliament and employees with disabilities are accommodated and that visitors with special needs have access to facilities in the Parliamentary Precinct.

In this regard, members suggested simple modifications in the course of its study, such as adapting the design of office furniture to accommodate employees who use wheelchairs (e.g., lower worktable heights). We also asked that signage (e.g., the international symbol of accessibility) directing people to the location of barrier-free entrances be posted at all main entrances that are not accessible to people with disabilities. Some of our suggestions such as adequate signage have already been implemented. Other suggestions related to workplace accommodation are being implemented but only in response to specific requests for such accommodation by employees with disabilities. Some offices as well as committee and meeting rooms still present barriers to persons with disabilities that must be addressed immediately.

RECOMMENDATION 9

The Committee recommends:

- **that the Speaker of the House of Commons take immediate steps to develop a communications strategy to promote a greater awareness of and sensitivity toward the abilities of persons with disabilities and the services available to accommodate people with disabilities within the Parliamentary Precinct; and**
- **that the strategy provide separate emphasis for managers, health and safety personnel, and employees with disabilities.**

RECOMMENDATION 10

The Committee recommends:

- **that the Speaker of the House of Commons, in collaboration with the Senate, undertake a thorough accessibility audit of all facilities in the Parliamentary Precinct to ensure that barrier-free design principles included in the CSA Standard**

CAN/CSA-B651-04 are respected, except where this standard will significantly reduce the heritage quality of the facility;

- **that, based on the results of this audit, a Parliamentary Precinct accessibility plan be developed highlighting what needs to be done to eliminate remaining barriers;**
- **that an accountability framework be developed, approved and implemented to assign responsibility for ensuring that the Parliamentary Precinct is fully accessible to people with disabilities (including sensory or mobility disabilities); and**
- **that the framework set out performance indicators and reporting mechanisms; and that its ongoing implementation be reported yearly in the performance report of the House of Commons.**

RECOMMENDATION 11

The Committee recommends:

- **that the House Administration, under the responsibility of the Speaker of the House of Commons, collect information and conduct an analysis of its workforce in order to determine the degree of underrepresentation of persons with disabilities in that workforce, as defined in the *Employment Equity Act* and regulations;**
- **that based on this analysis, the House Administration, under the responsibility of the Speaker of the House of Commons, be encouraged to continue to develop, approve, implement and monitor employment equity initiatives with clear and measurable outcomes in the areas of recruitment, retention, accommodation, and career progression of persons with disabilities; and**
- **that the progress made in the implementation of employment equity initiatives be reported yearly in the performance report of the House of Commons.**

RECOMMENDATION 12

The Committee recommends:

- **that the Board of Internal Economy create an accessibility fund to pay for modifications or retrofits needed to make constituency**

and House of Commons offices of Members of Parliament fully accessible to persons with disabilities;

- **that the Board of Internal Economy determine the amount of this fund and establish the rules and limitations regarding its use;**
- **that the Board of Internal Economy provide guidance to MPs when selecting office space;**
- **that, on approval of this recommendation, the Board of Internal Economy amend the Members' Offices By-Law (By-Law 301) to include the newly created accessibility fund and approved expenditures; and amend the *Manual of Allowances and Services* for the Members of the House of Commons to reflect such changes. Listing these expenditures separately will increase awareness of the importance of access, and make it easier to assess the commitment of the House Administration to improving accessibility for persons with disabilities.**

With regard to emergency and evacuation procedures, the Subcommittee was informed that a specific emergency response protocol has been developed for physically challenged members of Parliament and employees. As well, the Subcommittee heard that "the security services are trained to react to all emergencies within the Parliament Buildings and to assist in evacuating mobility-impaired persons."²¹ However, some members of the Subcommittee raised concerns over the lack of information provided to members of Parliament and employees on emergency preparedness and on the lack of emergency drills. In response to these concerns, the Clerk of the House of Commons, in a letter to the Clerk of the Subcommittee, indicated that Parliament buildings occupied by members of Parliament are exempt from fire drills. This policy has been implemented to avoid any disruption of parliamentary operations.

RECOMMENDATION 13

The Committee recommends:

- **that the Speaker of the House of Commons take immediate steps to ensure that the protocol for the emergency evacuation of persons with disabilities is up to date and widely disseminated; and**

²¹ Ibid.

- **that emergency fire drills and information sessions on emergency preparedness be held at least once a year.**

The issue of accessibility to parliamentary information was also discussed. Members of the Subcommittee were concerned to hear that the parliamentary Web site “does not currently fully comply with the World Wide Web Consortium guidelines on accessibility established for Government of Canada Web Sites.”²² The Web sites of the committees of the House of Commons have however been redesigned in consideration of the World Wide Web Consortium (W3C) accessibility guidelines. The Subcommittee was also informed that closed captioning for Question Period is not provided in French, thus preventing many hard-of-hearing persons from following it live. Members of the Subcommittee believe that immediate action is needed to ensure that Canadians with disabilities have access to parliamentary information and proceedings and can fully participate in the democratic process.

RECOMMENDATION 14

The Committee recommends:

- **that the Speaker of the House of Commons take the necessary measures to develop and adopt a policy requiring the application of an “access and inclusion lens” to the design, retrofit and procurement of all information services and information technology infrastructure, including, but not limited to network services, Web sites, printing services, electronic publications and Chamber technology infrastructure; and particularly,**
- **that all parliamentary Web sites fully comply with the World Wide Web Consortium’s (W3C) Priority 1 and Priority 2 requirements within a year; and**
- **that closed captioning and sign language of House of Commons proceedings and committees’ broadcast be provided in both official languages, and that this issue be referred to the House of Commons Standing Committee on Official Languages.**

Members of the Subcommittee raised questions related to transportation for employees and members of Parliament with disabilities within the Parliamentary Precinct. We were informed that one shuttle bus has been modified to allow for wheelchair accessibility but that this service is not available to all institutions (e.g., La Promenade building, Victoria building and Wellington building). In addition to this bus, a van specifically equipped to accommodate wheelchairs is available on request.

²² Ibid., 1540.

Members of the Subcommittee suggested that the service of this van should be available to all employees and members of Parliament with disabilities and to all parliamentary institutions. We are pleased to report that the Subcommittee's suggestion was accepted by the House Administration and that the service is now available.

The Subcommittee also heard that major construction and renovation projects are underway in the Parliamentary Precinct. As the custodian department of the Parliament buildings, Public Works and Government Services Canada will oversee these projects. Members of the Subcommittee will continue to monitor the progress of these projects to ensure that barrier-free design principles will be fully implemented and to guarantee continued access to the Parliamentary Precinct for members of Parliament, employees and visitors.

RECOMMENDATION 15

The Committee recommends that Public Works and Government Services Canada ensure that all authorities undertaking renovation or construction projects in the Parliamentary Precinct consult with experts in addressing accessibility issues and persons with disabilities to make certain that their needs will be well integrated into all projects.

RECOMMENDATION 16

The Committee recommends:

- **that, on approval of the recommendations, an implementation team, led by the Clerk of the House of Commons, be established to begin work on recommendations 9 to 15 of the report;**
- **that the names of people assigned to this implementation team be forwarded to the Subcommittee for its review within the next 120 sitting days; and**
- **that the implementation team report back to the Subcommittee on its progress within a year.**

CONCLUSION

Overall, based on the themes it covered, the Subcommittee can say that the Government of Canada takes the integration of persons with disabilities seriously. However, the situation varies greatly from one department to the next because of priorities and objectives that are hard to reconcile, the absence of a consensus definition of what a person with a disability is, and the multiplicity of eligibility criteria for federal programs. Up to a certain point, this situation is understandable given the complexity of an organization as large as the Government of Canada. Improving the situation must however remain a constant concern and the Subcommittee on the Status of Persons with Disabilities is there to keep watch. In addition to the recommendations contained in this report, there are certain avenues that should be explored during the transition period that the Subcommittee wishes to undertake.

First, it may prove very difficult for the Department of Social Development to ensure the horizontal coordination of all Government of Canada programs and policies affecting persons with disabilities. The Office for Disability Issues, within that department, makes every possible effort, but seems to have limited influence on the deliberations of the other departments involved.²³

It is also possible that the vertical dimension of these responsibilities is deficient, that is, there is no policy that would serve as a common reference, a beacon to guide the activities of the various departments in their relations with persons with disabilities.

The Subcommittee is not currently in a position to state that a Canadian Persons with Disabilities Act would be the most effective solution to this lack of coordination. It is certainly one possibility that the Subcommittee could consider during its future work. The openness shown in this respect by the Minister of Social Development, the Hon. Ken Dryden, and by the President of the Treasury Board, the Hon. Reg Alcock, sends a very positive message. The Subcommittee will also more closely monitor the state of accessible transportation.

We thus foresee a promising future for the advancement of full and complete access to all services, programs and public property over which the government of Canada or the Parliament of Canada exercise jurisdiction. The Subcommittee on the Status of Persons with Disabilities will continue to do everything in its power to quickly make this promising future a lasting reality.

²³ To take an example from the Transport sector, the Office of Disability Issues does not have the authority to ask Transport Canada to audit airline companies for their compliance with regulations regarding persons with disabilities. See SPER, 38th Parliament, 1st Session, Meeting 10, Wednesday, 20 April 2005, 1915.

LIST OF RECOMMENDATIONS

RECOMMENDATION 1

The Subcommittee recommends to the Government of Canada that it report on when it intends to implement recommendation 5.1 in the report of the Technical Advisory Committee on Tax Measures for Persons with Disabilities.

RECOMMENDATION 2

The Subcommittee recommends that the Department of Public Works and Government Services Canada identify as promptly as possible premises where the activities of the Office for Disability Issues could be housed as of 2006. These premises will serve as a model for fully barrier-free installations and will have to be compliant in all respects with the 2004 edition of standard B651 (CAN/CSA-B651-04), as formulated by the Canadian Standards Association.

RECOMMENDATION 3

The Subcommittee recommends that the Department of Public Works and Government Services Canada establish in 2005 an ongoing audit program of the compliance of federal buildings with technical standard CAN/CSA-B651-04, as formulated by the Canadian Standards Association. A progress report should be tabled in 2007, and all federal buildings must be audited by no later than 2009.

RECOMMENDATION 4

The Subcommittee recommends that no application for disability benefits under the Canada Pension Plan be rejected for medical reasons without this rejection being a decision made by a physician.

RECOMMENDATION 5

The Subcommittee recommends that the medical report form accompanying an application for Canada Pension Plan disability benefits be amended to include at least one question allowing the applicant's physician to give an opinion on his patient's ability to hold a job.

RECOMMENDATION 6

The Subcommittee recommends that the Department of Social Development compile statistical data, on an ongoing basis, on the reasons for rejecting Canada Pension Plan disability benefit applications, as well as on rejected applicants' socio-economic circumstances.

RECOMMENDATION 7

The Subcommittee recommends that the Minister of Transport immediately order an independent study of the comparative advantages of the regulatory and voluntary approaches to improving accessibility for persons with disabilities to modes of transportation under federal jurisdiction.

The parameters of this study should be determined by the Minister of Transport's Advisory Committee on Accessible Transportation, and presented to the Subcommittee on the Status of Persons with Disabilities. It should take into account the experiences of other countries. With an irreproachable methodology, the study would serve as a basis for discussion in which the viewpoints of government, advocacy groups for the rights of persons with disabilities and the Canadian transportation industry could all be voiced, in order to arrive at a long-term solution by no later than 2007.

RECOMMENDATION 8

The Subcommittee recommends that, without neglecting representation statistics, the performance of the federal Public Service with respect to the employment of persons with disabilities from now on be measured on the basis of hiring statistics. This change should be reflected explicitly in the next

employment equity report tabled by the Public Service Human Resources Management Agency of Canada.

RECOMMENDATION 9

The Committee recommends:

- **that the Speaker of the House of Commons take immediate steps to develop a communications strategy to promote a greater awareness of and sensitivity toward the abilities of persons with disabilities and the services available to accommodate people with disabilities within the Parliamentary Precinct; and**
- **that the strategy provide separate emphasis for managers, health and safety personnel, and employees with disabilities.**

RECOMMENDATION 10

The Committee recommends:

- **that the Speaker of the House of Commons, in collaboration with the Senate, undertake a thorough accessibility audit of all facilities in the Parliamentary Precinct to ensure that barrier-free design principles included in the CSA Standard CAN/CSA-B651-04 are respected, except where this standard will significantly reduce the heritage quality of the facility;**
- **that, based on the results of this audit, a Parliamentary Precinct accessibility plan be developed highlighting what needs to be done to eliminate remaining barriers;**
- **that an accountability framework be developed, approved and implemented to assign responsibility for ensuring that the Parliamentary Precinct is fully accessible to people with disabilities (including sensory or mobility disabilities); and**
- **that the framework set out performance indicators and reporting mechanisms; and that its ongoing implementation be reported yearly in the performance report of the House of Commons.**

RECOMMENDATION 11

The Committee recommends:

- **that the House Administration, under the responsibility of the Speaker of the House of Commons, collect information and conduct an analysis of its workforce in order to determine the degree of underrepresentation of persons with disabilities in that workforce, as defined in the *Employment Equity Act* and regulations;**
- **that based on this analysis, the House Administration, under the responsibility of the Speaker of the House of Commons, be encouraged to continue to develop, approve, implement and monitor employment equity initiatives with clear and measurable outcomes in the areas of recruitment, retention, accommodation, and career progression of persons with disabilities; and**
- **that the progress made in the implementation of employment equity initiatives be reported yearly in the performance report of the House of Commons.**

RECOMMENDATION 12

The Committee recommends:

- **that the Board of Internal Economy create an accessibility fund to pay for modifications or retrofits needed to make constituency and House of Commons offices of Members of Parliament fully accessible to persons with disabilities;**
- **that the Board of Internal Economy determine the amount of this fund and establish the rules and limitations regarding its use;**
- **that the Board of Internal Economy provide guidance to MPs when selecting office space;**
- **that, on approval of this recommendation, the Board of Internal Economy amend the Members' Offices By-Law (By-Law 301) to include the newly created accessibility fund and approved expenditures; and amend the *Manual of Allowances and Services* for the Members of the House of Commons to reflect such changes. Listing these expenditures separately will increase awareness of the importance of access, and make it**

easier to assess the commitment of the House Administration to improving accessibility for persons with disabilities.

RECOMMENDATION 13

The Committee recommends:

- that the Speaker of the House of Commons take immediate steps to ensure that the protocol for the emergency evacuation of persons with disabilities is up to date and widely disseminated; and
- that emergency fire drills and information sessions on emergency preparedness be held at least once a year.

RECOMMENDATION 14

The Committee recommends:

- that the Speaker of the House of Commons take the necessary measures to develop and adopt a policy requiring the application of an “access and inclusion lens” to the design, retrofit and procurement of all information services and information technology infrastructure, including, but not limited to network services, Web sites, printing services, electronic publications and Chamber technology infrastructure; and particularly,
- that all parliamentary Web sites fully comply with the World Wide Web Consortium’s (W3C) Priority 1 and Priority 2 requirements within a year; and
- that closed captioning and sign language of House of Commons proceedings and committees’ broadcast be provided in both official languages, and that this issue be referred to the House of Commons Standing Committee on Official Languages.

RECOMMENDATION 15

The Committee recommends that Public Works and Government Services Canada ensure that all authorities undertaking renovation or construction projects in the Parliamentary Precinct consult with experts in addressing accessibility issues and persons with disabilities to make certain that their needs will be well integrated into all projects.

RECOMMENDATION 16

The Committee recommends:

- **that, on approval of the recommendations, an implementation team, led by the Clerk of the House of Commons, be established to begin work on recommendations 9 to 15 of the report;**
- **that the names of people assigned to this implementation team be forwarded to the Subcommittee for its review within the next 120 sitting days; and**
- **that the implementation team report back to the Subcommittee on its progress within a year.**

APPENDIX A LIST OF WITNESSES HEARD BY THE SUBCOMMITTEE

Associations and Individuals	Date	Meeting
Department of Social Development	2005-02-02	3
Susan Scotti, Assistant Deputy Minister, Social Development Sectors		
Susan Williams, Director General, Disability Benefits and Appeals		
Cecilia Muir, Director General, Office for Disability Issues		
Georges Grujic, Director, Programs		
Nancy Lawand, Director, CPP Disability Policy		
Technical Advisory Committee on Tax Measures for Persons with Disabilities	2005-02-09	4
Robert D. Brown, Co-Chair		
Sherri Torjman, Co-Chair		
House of Commons	2005-02-16	5
William Corbett, Clerk		
Marie-Andrée Lajoie, Clerk Assistant, House Proceedings		
Elaine Diguier, Director, Multimedia Services & ISD Business Planning		
Claude Charbonneau, Major Projects Coordinator, Parliamentary Precinct Services, Long-Term Architectural Planning Office		
Benoit Giroux, Manager, Corporate Services, Health, Safety and Environment		
As individual		
Steven Fletcher, M.P., Charleswood—St. James—Assiniboia		
Department of Public Works and Government Services	2005-03-09	6
Sue Hum-Hartley, Acting Assistant Deputy Minister, Real Property Branch		
Linda Gaucher, Director General, Official Languages, Staffing, Employment Equity and Learning		
Serge Prud'homme, Acting Director, Parliamentary Precinct, Real Property Branch		
Ursula Ruppert, Director General, Real Property National Capital Area, Real Property Branch		
Dave Thompson, Director, Canada On-Line Services		
George Ens, Accessibility Coordinator, Real Property Branch		

Associations and Individuals	Date	Meeting
Disabled and Proud Organization		
Charles Matthews, Editor		
Department of Public Works and Government Services	2005-03-23	7
Serge Prud'homme, Acting Director, Parliamentary Precinct, Real Property Branch		
Secretariat of the Treasury Board		
The Hon. Reg Alcock, President of the Treasury Board		
Wally Boxhill, Director, Employment Equity Division		
Blair James, Executive Director, Real Property and Material Policy Directorate		
Brian Biggar, Manager, Corporate Identity and Communications Policy, Strategic Policy and Communications		
Department of Industry	2005-04-20	10
Ross MacLeod, Director Policy Integration		
Department of Social Development		
The Hon. Ken Dryden, Minister		
Susan Scotti, Assistant Deputy Minister, Social Development Sectors		
Donna Achimov, Acting Assistant Deputy Minister, Service Delivery		
Susan Williams, Director General, Disability Benefits and Appeals		
Georges Grujic, Director, Programs		
Canadian Transportation Agency	2005-05-04	11
Marian Robson, Chairperson and CEO		
Gavin Currie, Director General, Air and Accessible Transportation Branch		
Mary-Jane Gravelle, Acting Director, Air and Accessible Transportation Branch		
Department of Transport		
Arlene Turner, Director General, International and Intergovernmental Relations		
Helena Borges, Executive Director, Rail Policy		
Walter Carlson, Director, Equipment and Operations		
Susan Greene, Chief, Cabin Safety Standards		
William E. Hunter, Manager, Railway Operations Equipment and Operations		
Barbara Nelson, Chief, Accessible Transportation, Intergovernmental Affairs & Accessibility		

REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, the Committee requests that the government table a comprehensive response to this report within one hundred and twenty (120) days.

A copy of the relevant Minutes of Proceedings of the Standing Committee on Human Resources, Skills Development, Social Development and Status of Persons with Disabilities (*Meetings Nos. 39 & 40 including the present report*) is tabled.

Respectfully submitted,

Raymonde Folco, M.P.
Chair

DISSIDENT OPINION OF THE BLOC QUÉBÉCOIS

Report of the Subcommittee on the Status of Persons with Disabilities

Christiane Gagnon — MP for Québec
June 9, 2005

The Bloc Québécois would like to have seen recognition in recommendation 1 of the exclusive jurisdiction of Quebec and the provinces for health and social assistance. The Bloc Québécois had suggested that the following be added at the end of recommendation 1: “together with the provinces and in accordance with their areas of jurisdiction,” but this was not accepted. As a result, the Bloc Québécois is compelled to issue a dissident opinion on this report, in view of the federal government’s obvious encroachment and refusal to cooperate with Quebec with respect to income support (other than tax measures) for persons with disabilities.

Recommendation 5.1 reads as follows: “priority should be given to expenditure programs rather than tax measures to target new funding where the need is greatest. The Committee recognizes that the development of such programs would involve consultations with provincial and territorial governments and the disability community.”

This decision to give priority to expenditure programs is motivated by the fact that “individuals must first have a taxable income in order to derive any benefit from the current [tax] measures.”¹ While this is basically true, expenditure programs in this area fall under the exclusive jurisdiction of Quebec and the provinces, and must be seen as direct encroachment. In view of this encroachment, we cannot approve the implementation of this recommendation.

The Bloc Québécois is issuing this dissenting opinion because we believe that adopting recommendation 1 — which implements recommendation 5.1 of the Technical Advisory Committee Report — would be tantamount to giving the federal government a blank cheque for the development of programs in an area that is not within its jurisdiction. The Technical Advisory Committee Report (Chapter 5) presents a number of interesting solutions, but no concrete decision is made, so we do not know exactly what we are adopting in the way of solutions for persons with disabilities.

For instance, the proposal to make the non-refundable tax credit a refundable tax credit does not present any problems. The national employment strategy, however, represents an intrusion with respect to labour market integration policy.

As to a federal-provincial-territorial initiative similar to the one for early childhood development, where consultations and cooperation are planned, this is what the Government of Quebec has called for from the outset, but the federal government insists on interfering in provincial areas of jurisdiction and seeking to impose national

¹ Chapter 5, Technical Advisory Committee Report, p.112.

standards for the establishment of a joint program. Finally, it would provide cash assistance in exchange for administrative and policy control over programs that are under Quebec and provincial jurisdiction, which is completely unacceptable.

MINUTES OF PROCEEDINGS

Thursday, June 9, 2005
(Meeting No. 40)

The Standing Committee on Human Resources, Skills Development, Social Development and the Status of Persons with Disabilities met *in camera* at 11:15 a.m. this day, in Room 705 La Promenade Building, the Chair, Raymonde Folco, presiding.

Members of the Committee present: Hon. Eleni Bakopanos, Jean-Claude D'Amours, Raymonde Folco, Paul Forseth, Christiane Gagnon, Ed Komarnicki, Yasmin Ratansi and Peter Van Loan.

Acting Members present: Gary Carr for Hon. Peter Adams, Peter Julian for Tony Martin and Robert Vincent for Yves Lessard.

Associate Member present: Ken Boshcoff.

In attendance: Library of Parliament: Chantal Collin, Analyst; Kevin Kerr, Analyst; Jean-Rodrigue Paré, Analyst.

The Committee proceeded to consider the Report of Subcommittee on the Status of Persons with Disabilities.

It was agreed, — That the draft report “ Accessibility for all ” (as amended), of the Subcommittee on the Status of Persons with Disabilities be adopted as the Eight Report of the Standing Committee on Human Resources, Skills Development, Social Development and the Status of Persons with Disabilities.

That the Clerk be authorized to make such editorial and typographical changes as necessary without changing the substance of the Report.

That the Chair be authorised to table the Report in the House.

That the Committee print up to 550 copies of its Report in a bilingual format.

That, pursuant to Standing Order 109, the Committee request that the Government provide a comprehensive response to this Report within one hundred and twenty (120) days.

It was agreed, — That, pursuant to Standing Order 108(1)(a), the Committee authorizes the printing of the dissenting opinion of the Bloc Québécois as an appendix to this report immediately after the signature of the Chair; that the dissenting opinion be limited to not

more than one and a half page; (font = 12; line spacing = 1.5) and that the dissenting opinion be delivered in electronic format in both official languages to the Clerk of the Committee not later than noon, June 10, 2005.

At 1:13 p.m., the Committee adjourned to the call of the Chair.

Danielle Bélisle
Clerk of the Committee