

**OACL:**  
**A Federation in Conflict?**

A Draft Discussion Paper  
Prepared By The Board Of Directors of  
Collingwood Community Living  
October 1994

---

## CONTENTS

---

Page 3	Preamble
Page 7	Executive Summary
Page 9	Issues in Conflict
Page 9	OACL and ACL's - Is There A Shared Vision?
Page 10	Agencies Under Fire
Page 12	Workshops: Segregation Vs. Integration
Page 14	Person Centred Planning (PCP)
Page 16	Lightman Commission Report
Page 19	Substitute Decision Act
Page 19	Delinking
Page 20	Inclusive Education
Page 22	Ontarians With Disabilities Act
Page 22	Direct Service Support
Page 25	Systemic Dysfunctionality
Page 31	Recommendations

---

## PREAMBLE

---

The Ontario Association for Community Living (OACL) is a Federation of local agencies and a provincial umbrella Agency together with their respective Boards of Directors, structured service organizations and grass roots members. The acronym OACL is also often more narrowly used to refer to the provincial umbrella Board of Directors and its professional organizational support. The use of the acronym in this document corresponds to the latter definition.

The evolution of the Community Living Movement has been challenging and successful. In Ontario it has grown from a grass roots advocacy movement to an organization speaking on behalf of over 100 service organizations (with budgets in the hundreds of millions of dollars) and some 15,000 consumers. OACL deserves a good deal of credit for its significant contribution to the progress of the movement.

The movement has not, as might be expected, progressed without its share of internal dissension. One of the more critical issues over the years has been the ongoing debate about OACL's mandate in terms of its advocacy role versus its interest and support of direct service provision. There have also been divisions among the Federation's members about the issue of accountability. This paper is an attempt on the part of one Association for Community Living (ACL) to better understand these issues and to come to a more informed position with respect to the status quo and where we might go from here. We also explore ways and means in which local associations might improve their interests in supporting one another and the clients whom we serve through united action.

The members of the Board of Collingwood Community Living (CCL) have found themselves disagreeing with a growing number of new directions put forward by OACL. We have discovered that many other ACL Boards are expressing similar concerns. We felt compelled to investigate this more thoroughly and this document is one step in this process. What follows is our analysis about what substance there is to this sense of alienation and what essentially has caused it. In this context we attempt to identify policy, legislative and Vision oriented differences to demonstrate these points. These differences are not only causing some degree of estrangement within the Federation; there appears to be a growing gap in the implementation of service directions from ACL to ACL and from County to County.

---

**PREAMBLE**

---

We further contend that the reasons for these conflicts can be found both in the structural makeup of the Federation and the lack of appropriate systemic processes to encourage more effective participation and communication; and we do not absolve ourselves of some of the responsibility. We have attempted to identify these structural and communication disparities in order to determine what, if anything, can be done to redress the malaise which is affecting many of the participants in the process. There are, of course, always challenges imposed by the system and the usual political dynamics of the Federation, but our sense is that we have gone a step beyond healthy conflict.

Our conclusions have led to a series of recommendations on ways and means to resolve our differences in the best interests of consumers, families, agencies and OACL itself. Our recommendations may well not be definitive but they should be a good starting point for dialogue and the commencement of some kind of action plan.

We are open to suggestions for revision and would in fact welcome input on any aspect of the paper. The document is not intended to cast aspersions at anyone in particular. In fact ACL's are as much at fault for the present conflicts as any other participants in the process. There are many historical reasons why the current set of challenges have arisen and what is important is for participants to decide what needs to be changed and then go about the business of making those changes.

We recognize that this is a diverse Federation and complete consensus is impossible on any given issue. What is important though is the need for information and opinions to flow freely and clearly up and down the hierarchy. In this way consensus is a by-product of the legitimate input of the grass roots base of the Federation membership including input from volunteer Boards of ACL's.

In recent years there has been a philosophical push to regard most, if not all, of the so called "structured service programs" which ACL's have nurtured and developed over the past years as obsolete and unsuitable. This phenomenon has brought about a more noticeable divergence of positions between local Associations and OACL in relation to issues, policy, mandate, accountability and vision.

Theoretically major differences should not linger or fester since almost all ACL's and their community based membership are constitutionally represented on the Board of OACL through a network of Regional

---

**PREAMBLE**

---

Councils and members elected at large. In practice, however, this system does not appear to represent its constituency well.

Perhaps the single most important development within the Federation has been the notion that structured programming through existing ACL's is no longer the desired modus operandi in the provision of service to our consumer base. This notion has been primarily congealed and promoted by advocacy groups and vision makers at provincial and national levels. The Government of Ontario has in fact embraced certain elements of this vision and we are beginning to see some manifestations of this in the closure of workshops, the move to individualized service and funding and the increasing talk about the dismantling of day programs in favor of alternative generic community activities. It is therefore quite natural for ACL's to question positions and visions which when taken to their conclusion imply the end of ACL's as we know them. It is appropriate to question these evolving visions, not for the sake of self-preservation or the protection of jobs, but because there is a strong feeling among ACL's that they have responded admirably to the challenges of deinstitutionalization in the past fifteen or so years and continue to provide solid, effective caring community services which are relevant to the lives of many people.

In all of the new directions now under development, debate or question, there are positive elements which have been adopted or were in fact adopted by some ACL's long before it became popular to talk about new unstructured individualized planning. The Individual Training Plan in use by many ACL's with varying degrees of success and the program model, where numerous activity options are offered within one so called structured program, are examples. What is of concern is the fact that the new service principles appear to be one dimensional. They fail to respond to the needs of all the functionality levels within our consumer base in the same way. These initiatives are limiting choice and treating all people with developmental handicaps as if their need were the same. This too must be explored in the context of this paper.

There also seems to be a blurred line between "vision making" and "service administration". In many cases the vision makers are wanting to mould service reality overnight. In the process of doing this there is a noticeable and distinct absence of reasoned stages of development, built in safety nets and comprehensive cost benefit analysis.

Essentially what we will attempt to do in this paper is demonstrate

---

**PREAMBLE**

---

that there is a significant service and philosophical gap in thinking between OACL and many ACL's. These differences are being felt in very practical and significant ways. Changes in government legislation, Agency programs, service models and so on are dramatically affecting the way we do business. Some of the changes are needed, others are impacting negatively on the quality of care we provide our consumers and where this happens agencies need more effective input and control over their destiny and so do the people whom we serve.

It is important for the reader to understand that the first twenty-five pages of this document are devoted entirely to the identification of issues where CCL and many other agencies have some degree of disagreement with OACL positions. But, there may be subtle and profound differences in perception from ACL to ACL. The important thing is that in our view there is sufficient conflict, in whatever form it might take, to warrant fundamental change in how we do business as a Federation. Therefore, the sections on Systemic Dysfunctionality and Recommendations are the most important and these are the areas where we need broad based consensus in order to achieve constructive change.

---

**EXECUTIVE SUMMARY**

---

The essential point of this document is to explore ways and means OACL might function more effectively as an Association. We are of the view that there is an increasingly precarious divergence of views between many locals, consumers and OACL (the provincial Board and the professional staff) on critical questions of policy and vision. To demonstrate our point, we have alluded to and outlined controversial positions on issues such as Direct Service Support, Bill 120 (Landlord Tenancy Act), Delinking (The Lightman Commission Report), Workshop Closures, Inclusive Education, Bill 168 (Ontarians With Disabilities Act), Person Centered Planning, etc. To be sure, there will always be differing views within the Federation. Some conflict is healthy; too much conflict can be divisive and counter productive.

It is our contention that the reasons for the widening gap in thinking between service providers and the advocates can be attributed in part to constitutional anomalies within the Federation and in part to systemically poor communication among the 116 professionally staffed organizations and their respective volunteer bases.

It appears that opinions and ideas are not flowing freely and prolifically up and down the Federation hierarchy. The service provision sector has become huge and complex. The power brokers, decision makers and professional advocates, however, are volunteers who are struggling to understand and lead an unwieldy and complex system into the future. The volunteers need to be empowered. They need better support. They need a reformed constitutional framework within which to function.

The document concludes with a series of recommendations on how to empower a broader more representative base of Board and community volunteers to make decisions within and on behalf of the Federation. The intent of the recommendations is not to attempt to revisit legislation alluded to herein.

An over-riding premise in which the recommendations are based is the notion that OACL must be directly accountable to ACL's as well as to our mutually inclusive membership of some 15,000 people. The argument is also made that there must be a much greater emphasis on province-wide service support coordination among ACL's. If this rather significant shift in focus is not embarked upon soon, there may well be risks to the unity of the Federation. We believe the Federation partners should speak with a relatively unified voice, but

---

**EXECUTIVE SUMMARY**

---

it can only do so if all the players have unfettered access to decision making and this will require significant changes in thinking and constitutional make-up. The recommendations also focus on a series of ways Regional Councils and ACL Boards can improve participation within the Federation; and it is argued that constitutional changes are necessary to make this happen.

We are also saying very distinctly that it is not acceptable to continue to talk about and demand more rights for people, without at the same time being realistic and forthright about the corresponding responsibilities.

We are suggesting that it is inappropriate to isolate entirely, or neglect, the question of cost to society from the pursuit of “pure ideals”. We do not live in a world where some vision of utopia for all people should be pursued regardless of cost since variations of this theme have brought this country to the brink of bankruptcy. We must view the socio-economic world in which we live in a more holistic way and this requires a more balanced approach in the never ending process of seeking better ways to serve people across all service sectors.

'Human Rights' advocates are suggesting that inclusion for all is a "Right", not a "choice". The question is do people also have a "Right" to choose to not be included? In much of the literature on this subject, it seems there is a built in assumption that people with handicaps are being subtly coerced into making segregated choices. There is no allowance for the fact that much of the resistance to inclusion comes from the very people who we want to benefit from the "Right" of inclusion. It is therefore critically important to recognize the "Right" to choose as having paramouncy over the "Right" to be included.

---

**ISSUES IN CONFLICT**

---

**OACL and ACL's  
- Is There A Shared  
Vision?**

ACL's have become large, professionally staffed organizations who tend to the day to day service needs of a diverse and dynamic group of people. ACL's are not formally recognized as members of the OACL Federation. Each Association, however, is entitled to have a specified number of its volunteer membership base attend and vote at an annual meeting of the Federation. Paid professionals within this service sector do not have any formal status within the constitution of OACL and in fact it is clear that the movement is strictly and deliberately volunteer driven. ACL's do have a volunteer Board of Directors which govern their actions and mandate but these volunteer Boards also do not have any legal or voting status within the Federation except through indirect participation in Regional Councils.

The conflict in vision springs from a variety of sources within the Federation. The most damaging of these conflicts is between the OACL volunteer Board and many of the volunteer Boards of local ACL's both of whom represent the same constituency of members. More will be said about this later.

Historically, OACL had its beginnings in consumer advocacy at first with children and later adults. Initially it was primarily parents, relatives and friends of people with developmental handicaps who lobbied on their behalf. In the 1980's consumers in Ontario got involved directly - primarily through an organization called People First. This latter group grew in size and stature over the years to the point where today they are a significant force within the Community Living movement. Throughout its forty year history, advocacy has been the primary function of OACL and People First represented the quintessential moral component within the OACL umbrella. This connection was so strong that until just recently People First occupied the same provincial offices as OACL.

People First has been extraordinarily influential within OACL circles as one might expect, if an organization listens to the people it intends to support. What has become increasingly clear however is the fact that People First do not necessarily represent all people with developmental handicaps. This organization's leaders, as in any organization, are derived from the brightest and most capable of this advocacy group and what is in their best interest is not always in the best interest of higher needs individuals for whom they also presume to speak. This is not intended to criticize the actions and motives of People First. It should be incumbent upon OACL to seek balanced input into policy develop-

---

**ISSUES IN CONFLICT**

---

ment and we argue that in light of the historically strong connection with the People First organization, OACL has failed to balance its perspective. The prevalence of People First representation and opinion is sprinkled through annual OACL conferences. Their involvement is noticeable in document after document on policy development issues and matters to do with vision. Conference forums, seminars and panel sessions invariably have People First representation and leadership. As a means of formalizing their strength as Self-Advocates, People First have entrenched access to power within the OACL Board of Directors through (Article 14) the Self-Advocates Council.

Essentially, what happens in this kind of high functioning consumer dominated milieu is that the focus for change is almost entirely on the needs of people who can communicate in a way that they can be understood. A good operational example of this point is the fact that the newly developed promotional video put out by OACL focuses entirely on people who can verbalize their choices and aspirations. Are these needs legitimate? Unquestionably! Are the needs of some of our consumers different than others? Dramatically! The essential point is that large numbers of our clients with multiple challenges are critically under-represented and neglected in the process; and they are the majority of people with developmental handicaps who are in need of support. There are many people and organizations (including ACL's) who must advocate for this segment of people. These are the people who local ACL's must serve in large numbers; and it is mostly the higher needs population of people who remain on institutional depopulation waiting lists. It is this group of people whose needs are not necessarily best served by absolute and inflexible goals and principles.

ACL's are increasingly being depicted as unresponsive, inflexible, abusive, narrow minded empire builders who thrive for their own sake rather than in the best interests of the clients whom they serve. Criticism of ACL structured programs has become a near obsession in the past two years. Structured programs are seen as limiting choice and reinforcing segregation. They are criticized as lacking in creativity and being insensitive to individual needs.

According to OACL, "Often, any action in meeting the person's needs is delayed until the Agency is in a position to respond". They fail to take into account that people with developmental handicaps should be treated no better and no worse than general society. Every day

**Agencies Under Fire**

---

**ISSUES IN CONFLICT**

---

people are waiting until a specific service is in a position to respond. A major example is the medical system, where hundreds of people are waiting for service but because of financial restrictions, lack of equipment, drugs, blood, donated organs, etc. the action in meeting the person's need is delayed.

OACL further states that, "very often ongoing dependency on specialized agencies is fostered rather than an interdependence on the regular community and typical relationships". Approximately three-quarters of the population of clients served by CCL do not have parents or friends other than CCL staff. They are functioning at a level which makes it extremely difficult for them to depend on the regular community and typical relationships. Most are unable to communicate in any manner, are not mobile and cannot reason and are therefore incapable of fostering interdependence on the Community at large. Some families are not interested in being involved or, if so, very sporadically. Those who have friends usually befriend someone having the same capabilities as themselves. Ongoing dependency on specialized services is a necessity and a reality.

Workshops have been seen, by People First leaders, as slave labour enclaves. They want nothing short of minimum wage for all "employees" regardless of productivity. Even Group Homes are not escaping the wrath of the critics. They are seen as oppressive mini-institutions. For example, one recent OACL conference head table participant said, "what power is to me is to be able to eat what I want when I want". This conveniently ignores the fact that most of us live in a family environment where we are scheduled to a mealtime timetable and we eat what is prepared for the day at a time convenient for all members of the family.

Quite simply there are no ACL structured programs left untouched by the "anti-institutional" bias. This is not a momentum toward ongoing reform which we can all embrace, it is a momentum toward rapid destruction without due consideration for and testing of alternatives. Throughout this "new wave" thinking we see a continuing theme of more "rights" being asked for without any corresponding consideration for responsibilities.

The primary rationale for the closure of workshops, life skills and

### ISSUES IN CONFLICT

#### **Workshops: Segregation vs. Integration**

other structured programs is their segregated setting. A secondary or spin-off argument is that these settings limit choice. While there are merits to both of these points these arguments ignore one very important fact: the eradication of segregated options is in itself limiting choice and opportunity. Are there people who would make these segregated choices given realistic other choices? The answer is emphatically yes! In fact our own surveys indicate that our current consumers (clients and parents) overwhelmingly support the idea that some form of work activity centre should continue to be a program option.

Although segregation is not our first choice of service environment, it is not inherently or absolutely undignified, bad or oppressive. Society is full of groups who frequently segregate by choice for various reasons; and they are segregated on the basis of sex, religion, age, race, nationality, occupation and yes, level of intelligence. Most of the members of these groups would of course also participate in integrated community activities as well - as do our clients. Groups such as Hutterites segregate for primarily religious reasons but they do so in a holistic way in that the majority of their life's activities are segregated. Does anyone complain about the fact that a group of engineers and scientists in the NASA space program segregate their work activities and are therefore pretty much a closed society while they are fulfilling their occupational responsibilities? What is the common denominator among a group such as this? Quite obviously their level of intelligence, their education, aptitude and the personal choices they have made are the primary reasons why they are in this kind of intermittent segregated activity. What is the essence of the argument about segregation then - is it choice?

Clients with developmental handicaps are free to choose whether or not they wish to participate in workshops. Increasingly they are also being educated about and exposed to realistic other options through supported employment programs and other community and support staff driven events and opportunities. It does not come as a surprise however to those who work with people with handicaps that many continue to choose the so called segregated option. They too have many things in common with their peers. They particularly enjoy being with people they consider friends in their daily work environment. If only this was the case with the so called normal population.

The leadership of OACL has in fact not been accountable to, or responsive to its membership base on this issue. They have not made

---

**ISSUES IN CONFLICT**

---

a concerted attempt to ascertain what the membership views are in relation to workshop closure before issuing policy positions. Members of the Board of OACL have argued that they must take leadership on this issue and that consumers will follow once the options are clear and they come to the realization that the OACL direction is the right direction. They point to the consumer resistance on the question of Institutional closures as an example of where, after the fact, most consumers came around to their way of thinking.

CCL is not taking the position that workshops should be the primary employment model such as it has been in the past. We do however maintain that a reformed work activity centre should continue to be an option for those who do not succeed in competitive employment or those who by virtue of disability simply cannot be even reasonably productive in the private economy. It is not acceptable to argue that all persons should have equal access to employment opportunities regardless of cost. The cost of a one on one support worker for indefinite time periods does not set an appropriate example for private industry nor does it do anything but burden the overall cost of service. It does reinforce the commonly held perception that handicapped people cannot work effectively. This is unacceptable stereotyping which we would inadvertently contribute to and it is untrue in the extreme.

We disagree with those who argue that society must employ all of its citizens. You cannot employ those who refuse to be employed and those who cannot be employed. We disagree with the concepts of Mandatory Employment Equity Quotas which OACL advocates. These kinds of initiatives do not build trust and cooperation in the community. They only serve to cause distrust and distaste. There are a wealth of employment opportunities for people with developmental handicaps in Canada by virtue of the fact that many Canadians will not work at lower paying jobs and we have found companies quite willing to give people a chance. We understand that challenged people also want higher paying jobs. People First leaders have made this argument at conferences time and again. This is a function of supply and demand of individual skills and cannot be artificially tampered with, without creating a gross unfairness and discrimination against others.

In seeking alternatives to sheltered work, outcomes such as recreation, watching television, or hanging out at the mall are very inadequate compared to those that stress self-reliance, productivity and contribution to the community. There may be a shortage of employment, but

---

**ISSUES IN CONFLICT**

---

certainly no shortage of work. Work in the absence of employment should still be a goal to pursue even in a segregated setting if other options are short term or not at all available! Work, paid or not, often defines our own worth and esteem, both to ourselves and to others. Health policy analyst Jonathan Lomas of McMaster University notes that 25 years of research demonstrates that the nature of a person's employment, and whether they work or not, is a major determinant of their long-term health.

It is also not difficult to understand why the provincial government would embrace the OACL philosophy. The following statement is a legislator's dream come true in a world of restraint: "OACL firmly believes that there are many opportunities within the community for ensuring that people have full and rich lives without heavy reliance on government funding. While a person is living in an institution, all of their needs must be provided through funded resources. A person living in the community has access to all of the natural supports that society offers and has access to the labour market through which they can increasingly support themselves." OACL goes on to say, "as long as we continue to fund services on a program basis, costs for meeting these needs will continue to grow. On the other hand, many of the people currently in services and many on waiting lists for services have very specific, and often very simple needs that do not require admission to a program." Are these statements relevant to the high needs people who are in the majority remaining in institutions? Are the alternative service models to replace workshops clearly articulated and implemented in successful ways? If so where are they? Is employment so easy to access that people can find competitive paying jobs without much trouble? Once again the entire emphasis seems to be on people whose needs are admittedly less than others but who remain in the minority in relation to our consumer population as a whole. For many the above description represents a dream world which may never materialize.

ACL's for the most part support Person Centred Planning (PCP) as a progressive extension of the practice of Individual Program Planning (IPP) which has been in vogue for many years. The idea that individual preferences should have priority over decisions based on group convenience has a good deal of merit to the extent that individual choices are viable, affordable and discernable.

The idea that power and control should be shifted to the individual

**Person Centred  
Planning (PCP)**

---

**ISSUES IN CONFLICT**

---

from institutions is uplifting and in keeping with the move toward more rights for all people.

But the argument for ever increasing individual rights at the expense of the community at large is precipitating a backlash in political circles these days. A good case can always be made for balance in these kinds of classical dilemmas.

In the case of PCP there remain significant existing barriers to the full realization of the concept:

- A generic mostly non-paid support network for each individual must be developed or already in place to facilitate true person centred planning.
- The process will work more effectively if there is individualized funding in place to ensure flexibility. Individualized funding may work well in the Special Services at Home (SSAH) program, but it is as yet unproven in other service areas.
- Generic community supports and services specific to filling the daily activity needs of people with developmental handicaps must be developed or in place to make PCP realistic.
- Individuals should be empowered to make choices for themselves. They will be encouraged to dream. They should not be impeded by the restrictive barriers imposed upon them by Agencies. For some this idea works, for others it may be unrealistic.

Person Centered Planning ought not to be linked inextricably with individualized funding. We would argue that the move toward individualized funding is far from axiomatic and that implementation is fraught with a host of logistical problems for which there are no clear answers. Foremost among these questions is the cost effectiveness of such a system. There have been no comparative cost analysis done on an individualized funded system in so far as we are aware. It is not appropriate to make the argument that cost is not an issue where there is an over riding moral imperative. A moral argument accompanies virtually every political decision made and these days the overall cost of change is in itself a moral imperative since people's level of freedom, comfort and even their very lives are dependent on how government allocates funds.

---

**ISSUES IN CONFLICT**

---

We would also caution that PCP not limit choices if those choices are deemed to be inconsistent with contemporary thinking on individual rights. Individuals by nature are prone to accept varying degrees of risk, freedom and security in their personal lives. Many of our people are no different than some seniors, for example, who might wish to live and participate in a segregated setting with structured programs where the institutional supports give them more security.

The government is banking on this new service model costing less money. This is based on the notion that the community must fill the current void and eventually replace paid help. Where will you find the one to one volunteer support to assist people with multiple challenges through their daily routines in order to save the system money? Where will you find trained volunteers who might respond to medical emergencies or extreme behavioural problems which we need to deal with on a daily basis?

It seems neither the government's motive to save money nor OACL's motive to be on the leading edge of consumer rights and freedoms takes into account the realities of service provision as they are today. It goes back to the OACL statement that "planning should not be restricted by service reality or support availability, it should be based on the premise that it is important to dream".

Representatives of OACL were involved at the Lightman Commission Hearing which precipitated the Report of the same name; and OACL was supportive of most of the recommendations which came from the 1990 Commission inquiry into the death of Joseph Kendall a mentally handicapped resident of an unregulated Boarding Home near Orillia. The Lightman Report precipitated the introduction of Bill 120 known as "Residents' Rights Bill".

The net affect of Bill 120 is that the provisions of the Landlord Tenant Act, the Rent Control Act and the Rental Housing Protection Act will now apply to a much broader range of people heretofore excluded from these Acts. While short term care providers have been exempted from regulation under Bill 120, people regulated under the Homes for Retarded Persons Act (Group Homes) are now covered.

Some of the major provisions of this act will now require ACL's to: give notice of eviction; give notice to intrude on privacy; prevent

**Lightman  
Commission Report**

---

**ISSUES IN CONFLICT**

---

eviction or moves within the Agency unless one can show sufficient cause as defined by the act; provide an incoming information package and Landlord Tenant agreement.

Naturally, with consent from the resident, ACL's may do business much in the same way they have always done business in group homes. At CCL, the requirement to obtain the consent and cooperation of the resident, or their families in some cases, has always been fundamental to our philosophy and operational procedures. Where we envisage great difficulty in the future is obtaining consent from people who are non verbal, very low functioning and who have no family support. It does not lend itself well to an Agency's need to often make swift decisions in the interests of the well being of several people within one home. Incompatibilities and behavioral problems necessitate quick intervention at times.

As new people are admitted to accommodations vacancies (and these realities are often imposed upon us by emergency or last minute freeing up of funding), there is often the need to make adjustments in the makeup of client groupings to match levels of functionality and their corresponding support needs. The issues are complex and Agencies need flexibility as much to protect vulnerable people as they do to make things workable, manageable and comfortable. In an ideal world, where all individuals are empowered to make their own choices, Group Homes as we know them would likely not exist.

The resident's right to dignity and privacy are always uppermost in the minds of our staff, but these rights don't hold much water in the middle of the night when an individual is frail, non-communicative and in need of close monitoring due to health care requirements or behavioural concerns. Staff entry into a bedroom under these circumstances may be without consent but necessary nonetheless. Rights must always go hand and hand with responsibilities and it follows that certain rights are compromised when one loses the ability to care for one's self.

Bill 120 will also require ACL's to get Municipal approval to convert care homes or to convert rental property. We in Collingwood lobbied and investigated legal recourse for years against discriminatory municipal By-Laws regulating Group Homes. We were successful in removing all references to Group Homes in 1994. We no longer have any distance or zoning restrictions. We can essentially set up a Group Home in any area of the Town providing building regulations are met. Bill 120 places another potential discriminatory tool in the

---

**ISSUES IN CONFLICT**

---

hands of municipalities. There may be all kinds of instances where this legislation can be used to stop development or conversion and frustrate our plans. This kind of legislation can and will be used by municipalities to go beyond the intention of the act itself. All it takes is the Mayor's good friend or the Deputy Reeve's uncle not wanting a Group Home in his back yard. This Bill has the potential of negating our long term successful efforts to secure client rights to live where they choose; and it is particularly troublesome for us.

There are many other rather impossible situations which will emanate from the passing of Bill 120 and its enforcement in Group Homes. Try as we might to comply with the intent of the Bill, operators of Group Homes will have no choice but to break the law from time to time or risk putting clients in jeopardy of harm or extreme discomfort. The process of obtaining Substitute Decision Making for vulnerable people is not the cure-all it is made out to be as we shall discuss later.

Once again OACL has succeeded in supporting a rather extreme and idealistic solution to a specific problem. The Lightman Report is essentially intended to protect people against high rent increases, poor building maintenance and unreasonable eviction. None of these items are major issues within the highly regulated Group Home environment subject to the Homes for Retarded Persons Act. OACL could have lobbied for this kind of regulation for unregulated homes and argued that people regulated under the Homes for Retarded Persons Act already have reasonable safeguards built in, but instead they argue that Bill 120 does not go near far enough and should include a much more detailed listing of "Resident Rights". There has been absolutely no consideration for the very real and practical problems Agencies face in administering accommodation services to lower functioning people. One can certainly understand why the government might overlook these realities. Legislation almost by definition takes too broad a swath. It tends to tar too many unintended targets with the same brush. One is led to wonder why automobiles are not legislated out of existence when someone dies in a car accident. Perhaps it is because the legislators drive cars?

It should also be pointed out that we are all too well aware of the potential and real abuse which institutions and housing providers can inflict on their tenants or clients as the case may be. Organizations and institutions are often less than sensitive to the individual needs of people. At the same time these same organizations provide care

---

**ISSUES IN CONFLICT**

---

**Substitute Decision Act**

and comfort where no one else will. In the final analysis no amount of legislation will be foolproof in protecting people. What is needed is balanced well thought out legislation and organizations with built in safeguards. In both cases there are optimum levels beyond which legislation and safeguards begin to defeat themselves.

Even the forthcoming (1995) Substitute Decision Act, which was designed to empower individuals who are mentally unable to make their own decisions, will not resolve the problems created by Bill 120. For one thing, the Substitute Decisions Act will not be in effect until 1995. What do we do in the meantime? For another, many of our clients will not be able to file a "Power of Attorney" by virtue of their mental incapacity to do so. They will, therefore, need to have a substitute Decision Maker appointed by the courts. If there is a friend or close family member willing to apply for such status, he/she will need to provide security or file a management plan and many mentally incapable individuals will need to be assessed.

Since the Landlord Tenant Act now requires tenancy agreements to be in place for all of our residents and many are incapable of understanding or signing such agreements, it follows that the process of requiring "Substitute Decisions" will be forced upon us in large numbers if we are to comply with the laws. In many cases, we will be required to obtain the decision of a Public Trustee if no one is willing to accept the responsibility of Substitute Decision Maker. Decisions need to be made every day on behalf of incapable people and agencies are put in a no-win situation where our liabilities increase dramatically and so do the corresponding risks for clients as decisions are delayed and encumbered by legislative acts which have not been well thought out.

**Delinking**

A further recommendation of the Lightman Commission is to Delink support care service from accommodation provision. The primary rationale is the argument that there is a decided conflict of interest when these two service areas are combined and controlled by one service organization. Presumably this conflict of interest works to the disadvantage of the tenant or person in need of support service.

While this recommendation has not yet been enacted in law the implications are clear for ACL's. At some point we may have to divest ourselves of ownership of all Group Homes and turn them over to a delinked private or other non-profit operator.

---

**ISSUES IN CONFLICT**

---

Can you imagine a scenario where a private landlord attempts to evict a client for behavioural problems simply because he/she lacks knowledge about serving challenged people and the support service providers are tied up in courts trying to stop this action? Can you imagine support service providers trying to convince a slum landlord that air conditioning would benefit the ailing health of his tenants? Can you imagine trying to release a client from a tenancy agreement because the individual is creating some discomfort for others in the home when the end result for the landlord will be less rental income? We can imagine these and a thousand other scenarios.

Sometimes “solutions” can exacerbate the problem. This is one of those times. Giving some lower functioning clients more rights in this instance makes them more vulnerable to a capricious world. The Metropolitan Agencies Rehabilitation Council (MARC) representing dozens of agencies released a counter position on this issue to argue that Delinking posed obvious inherent problems. They pressured OACL to reconsider their position. Despite opposition on this issue OACL has doggedly lobbied for the Delinking legislation. We are not saying that linked services are perfect, but we are saying that for Group Homes, which will more and more accommodate people who are not able to decide for themselves, the present linked situation is by far preferable.

Most ACL’s believe in inclusive education. CCL does not subscribe, however, to the OACL position that all children should be completely integrated regardless of cost. Why is it that the OACL Board keeps insisting on absolute positions? They talk about the need for flexibility in Person Centered Planning yet there appears to be no flexibility within the OACL Vision.

If cost is no object in one program or system, the lack of concern about cost will most assuredly make it an object in another system. Even accepting the argument that education is a right rather than a privilege, society must be ever cost conscious and it is irresponsible to argue or act otherwise.

Complete integration is desirable where possible, but for many young people with handicaps partial integration or intermittent integration may well be more practical, functional and cost effective. The concerned parents of Mississauga have articulated this idea in their January 8, 1994 letter to the OACL President as follows:

**Inclusive Education**

---

**ISSUES IN CONFLICT**

---

- “Not all children can fit into regular classrooms, as there could be behaviour problems, health problems, etc.
- In theory this is great. It could work in say kindergarten to grade two, but beyond this there is too wide a difference in attention span, comprehension, and interest, let alone the academic ability.
- Some special needs students would benefit more in a small classroom with an individualized program, with the opportunity to participate in other classroom activities which they on an individual basis can handle.”

The Mississauga parents have a valid point of view. We also agree with the Provincial Government position on this question which was stated by the Ministry of Education as follows "integration of exceptional pupils should be normal practice in Ontario when such a placement meets the pupil's needs and is in accordance with parental wishes." The Ministry statement also calls for a continuation of a "range of options" which we at CCL have supported for some time. OACL, on the other hand, is not happy with this position primarily because the words "wherever possible" may imply different solutions for different children. OACL would like all children, regardless of disability, fully integrated at any cost. There is no room in this vision for parental or consumer choice; there is no room for a range of options depending on individual circumstances.

Consider the arguments that Wally Cooke, the assistant superintendent for the Board of Education in Antigonish, Nova Scotia makes on this point. "Segregation isn't all wrong, and integration isn't all right. People should have options, choices and opportunities. We have no right to say to the parents of handicapped children, 'No, your child must be in this class, with these other kids.' Many children have needs which cannot possibly be met under the same set of circumstances as every other child. We have to respect those differences."

Or take the case of Joe McLaughlin, principal of the Alberta School for the Deaf, who proudly describes himself "as the first deaf principal in Canada in this century." He is adamantly opposed to wholesale integration of his community. Speaking through an interpreter, he explains, "Deaf children are different. The deaf simply cannot hear. So deaf children in mainstream classes end up being segregated more than those in an all-deaf class." Thus, for the deaf, "integration is not a

---

**ISSUES IN CONFLICT**

---

**Bill 168 (Ontarians  
With Disabilities  
Act)**

goal. In a regular classroom, there is no deaf role model, and no deaf culture. Think of the harm of all-white schools on native children. I feel that specialized schools for the deaf are very important." Some of these same arguments are applicable within our service culture as well.

We have concerns about the spirit and intent of Bill 168 "Ontarians With Disabilities Act". Although it has not passed third reading and many changes are likely to come, Bill 168 has potential important implications for our consumers. We are supportive of removing systemic barriers to inclusive post-secondary education, transportation and communication but we sense a move within OACL toward a kind of mandatory educational equity much as in mandatory employment equity where admission quotas will be regulated on the basis of a group's (mentally handicapped) size in relation to the total population. We have great difficulty with any scheme which would dilute the competitive nature of post-secondary admission and thereby water down societies' ability to subsidize the brightest and best. If a person successfully competes for admission, he/she should be supported fully, but admission should not be artificially created.

**Direct Service  
Support**

OACL should be commended on their willingness to assist ACL's with direct service support issues and Agency management matters. For our part we see an ever increasing need for province-wide collaboration in this regard. What needs to be sorted out is the issue of how much of OACL activities should focus on policy and philosophy and how much energy should be diverted to service and management issues.

We recognize that OACL's mandate historically has been first and foremost an advocacy role and that policies, legislation and vision are the first priority. In looking back it seems that the added role of assistance to ACL's with direct service provision has been assumed more by default than by design. Since the OACL office in Toronto has always been the only entity within the Federation realistically positioned to coordinate province-wide initiatives, the centrally paid staff have increasingly been taking on more of this role with the permission of the elected officials.

What concerns us is that many of the issues are complex ACL based management issues which OACL cannot be expected to deal with

---

**ISSUES IN CONFLICT**

---

in a way which necessarily reflects consensus at the ACL level. For example, OACL was asked by the government to represent ACL's in the recent Social Contract talks. OACL represented ACL's on discussions having to do with whether or not agencies were supportive of some form of central bargaining in relation to the social contract. OACL assisted ACL's with the coordination and administration of salary bumps some three years ago. These are all management issues and it is curious that an umbrella organization whose officials have repeatedly said they are not accountable to ACL's should represent ACL's on such significant matters. It is to their credit that they did but that is not the issue - the issue is one of authority to represent. We acknowledge that OACL sought and received approval on this development. The question is why is approval even necessary and why is there not some formal mechanism whereby representation of this kind is not automatic. The answer is that OACL and ACL's are two autonomous entities within the same Federation and in many cases we pull in opposite directions rather than the same direction. This is also not meant to be a criticism of the substance of the representation on these issues, rather it is a criticism of ACL's for not insisting long ago that OACL be explicitly accountable to ACL's in a very real way both for advocacy and service related issues.

An example of the current confusion has to do with a recent E.D. Coordinating Committee initiative. A coordinating committee of E.D.'s has recommended that ACL's set up a paid centralized information, resource and administrative service support mechanism to assist all ACL's in the province. They approached OACL and were told that they didn't have the funds but were willing to oversee such a project. Why in the world do we have OACL to begin with? Isn't this the kind of thing which should be their primary mandate? Some ACL's have suggested that a worthwhile service would be provided if OACL simply compiled an E.D. skills inventory and/or an Agency systems inventory so that where E.D.'s and agencies are doing things well they might share expertise with others through OACL. Much of this could be done through a centralized host computer system.

We are now being asked to pay additional funds to set up this coordinating service to run parallel with the activities of our OACL office. Do ACL's not already pay enough in assessment fees? A recent OACL document says, "OACL was created by the member agencies we represent". If so, then make room for "Direct Service Assistance" to a much greater extent than has been the case in the past. We rec-

### ISSUES IN CONFLICT

ognize that requests have to come through appropriate channels and OACL cannot be expected to jump at every whim. ACL's have been negligent in not sorting out this question in a more formal structural way and it goes to the heart of what we do and what we are.

Every organization has its internal political differences. Despite these differences, there are mechanisms to build consensus. There are usually rules, regulations, customs, conventions and By-Laws which nurture participation and encourage diversity.

OACL also has its rules, customs, By-Laws and so on. Let's refer to these items as organizational parameters. Change in these parameters has not kept pace with the tremendous growth which the Federation has undergone in the past fifteen or so years. The result is that we have a Federation pulling in different directions. We have a conglomeration of organizations often working at cross purposes. We have lost sight of where we are going and we are often confused between what we ought to be and what we are. We have, in a way, developed a schizophrenic mentality within and we are struggling to make some sense of it all.

This conflict did not happen overnight nor was it advertently foisted upon members. It simply became a reality by virtue of historical circumstance and forced growth. What then are the root causes of internal conflict? They are primarily structural (constitutional) in nature and secondarily a consequence of systemically ineffective communications.

---

**SYSTEMIC DYSFUNCTIONALITY**

---

It has been said time and again by OACL officials that OACL is not accountable to Agencies (ACL's). We are reminded that accountability is to the member which means, in most cases, families and friends of people who have the condition of mental retardation. We are of the opinion that this is purely a semantic argument which is used to simplify decision making. We understand that the Board of Directors of OACL does not wish to have its freedom to act encumbered by the narrow views of structured, program oriented Agencies, run by paid professionals who they suspect are often acting in their organization's interest rather than in the interest of the consumer. This argument conveniently ignores some very basic fundamentals about how the Federation operates. These fundamentals are:

- According to OACL's own documents, "OACL was created by the member agencies it represents.
- ACL's are allotted a number of votes proportional to their respective size at the OACL Annual General Meeting.
- The Boards of Directors who govern ACL's are elected by ACL members, who are also simultaneously OACL members, to represent them in all of the affairs of the Agency including its role in the OACL Federation.
- ACL's provide the lion's share of operational funding for OACL through annual assessments and contributions to conferences, seminars and the annual meeting. This totals almost one million dollars a year.

Membership to the Board of Directors of OACL is identified in Section 5.1 of the By-Laws. There are 23 Regional Directors; 5 Directors at Large; One Youth Director; one Treasurer. Part of the rationale for this configuration is likely based on the mathematical fact that it is easier to be accountable to 23 Regional Councils than 115 Agencies. There is obviously more probability of consensus with these kinds of numbers. For all intents and purposes however the Regional Councils are made up primarily of volunteer representatives of ACL Boards and the Councils must be responsible to its members, who in turn represent the collective views of ACL Boards, who in turn represent the same people who are by definition also the grass roots core members of OACL. This rather convoluted picture may well lead one to conclude that the volunteer Board members of ACL's have ample opportunity

---

**SYSTEMIC DYSFUNCTIONALITY**

---

to make their views known in an effective way within the Federation either at an annual meeting or within their Regional Council. This picture also begs the question of exactly what is accountability and why do OACL officials argue they are not accountable to ACL's.

Is the Government of Canada any less accountable to institutions or lobby groups than it is to the individual voter in society? In a pluralistic society Government must be sensitive and accountable in differing ways to the input of all its constituent parts. It is in this way that checks and balances can flourish in the system. Pluralism in democracy prevents things like majorities oppressing minorities or the few controlling the many. Accountability goes much beyond responsibility to the voter. If it were no more than that Government by referendum would be the perfect way to make decisions to run a society.

In the same way we contend OACL must be responsible to groups, organizations and individuals within the Federation. It must be as accountable to ACL's as it is to its base members. In this Federation this should be a simple concept to embrace since, as we have stated earlier, all of these structures derive from the same base membership. But if ACL's already have voting status at Annual Meetings and representation at Regional Councils, is accountability not already in place? Is there not ample opportunity for ACL's to voice their opinions through these established channels? The answer in our view is that in theory yes and in practice no.

Volunteer Board voices are not being heard on issues where OACL and ACL's are often divided. These are not the ramblings of one ACL. These views are shared by many volunteer Board members, parents and professional staff in Agencies across the province. A recent motion to amend By-Laws at the Annual General Meeting in Windsor (We refer specifically to the proposed By-Law amendments of the Midwestern Regional Council having to do with designating ACL's as members of OACL) also confirms the fact that a Regional Council and some 11 ACL's within it are feeling there should be an acknowledged accountability to ACL's. Simcoe County and its five agencies were also supportive of this suggested amendment. These 16 agencies and their respective Council's represent only a small segment of the discontent felt about the representation issue.

What has precipitated this representation issue? Few people get con-

---

**SYSTEMIC DYSFUNCTIONALITY**

---

cerned about constitutions and By-Laws unless they become unhappy with how an organization functions. The issues outlined above are clearly at the heart of why the matter of representation has become so prominent. Positions and policies developed by OACL are increasingly at odds with ACL's as we have tried to show in the first part of this paper. Quite obviously ACL's are not crying in unison in all of these policy issues but there is widespread agreement on substantive issues which are affecting day to day matters within ACL's and people are wondering out loud why we are at such odds with one another within the Federation.

There are two main decision making entities within the Federation as it is currently constituted: the OACL Board of Directors and the Regional Councils. Our experience with Regional Council has been exasperating and we know from others that the picture is much the same in other areas of the province. This is not to say that the actions of Regional Councils have not met with success but these are few and far between. What follows is a listing of some operational problems experienced within the Federation as it is presently constituted:

- Regional meetings, even at five per year, are far too few to deal with matters such as the short and long term planning of OACL; the many policy issues and papers which emanate from the provincial body; the annual ritual of resolutions, By-Law amendments, etc. Some Councils focus on one or two matters and others do virtually nothing because of the overwhelming amount of material.
- Matters which Regional Councils discuss and decide upon must be discussed also at ACL board meetings so that individual views reflect those of their respective ACL Boards. With most ACL Boards meeting once every month and Regional Councils meeting usually no more than every two months or five times a year, it can take several months for the entire democratic process to unfold within one Region on a single issue. These time frames often do not fall within parameters which OACL must set if it is to get business done. The system in this context alone is extremely awkward and ineffective.
- Volunteer members of Councils come and go in the system. Very often members don't even begin to understand the workings of the Federation or its issues until they have been on Council for

### SYSTEMIC DYSFUNCTIONALITY

two or even three years. This is not the fault of the individual participant. Often new people are not briefed on issues already in process; they are not familiar with much of the jargon and abbreviations; they do not work in the environment day in and day out; and they are time limited in that they are volunteers.

- Council meetings often suffer from a lack of protocol and rules of order. Elected chairpersons do not always have the skills necessary to maintain order and focus. Volunteers are often pressured into these positions by default. There is a chronic lack of enthusiasm, in many cases, because the task is foreboding and experience has given people an insight into the chaos of the past.
- Professional support staff often do not provide the background support that volunteers need to be able to make effective decisions and recommendations. By virtue of the Councils mandate, some professionals feel they should sit back and speak only when asked. Others tend to dominate discussion because of their familiarity with the discussion topics. The bottom line is that often these meetings are neither volunteer driven nor are they driven by professionals. The latter group is not empowered to lead and the former group is often not able to lead because they don't feel comfortable and articulate about the issues and system as a whole.
- More often than not there is a distinctive lack of follow up action, research, etc. Rarely is there consensus developed on specific issues and even more rarely is it relayed in a clear way to the Council Director who sits on the OACL Board.
- The OACL Board is also unwieldy and ill prepared in many cases to allow all participants to feel part of a process. The larger a Board the greater the tendency for a small clique to dominate its activities. The larger the group the more difficult it is for many to speak up.
- In the case of the OACL Board the Regional Directors often are reluctant to contribute because their respective Council malfunctions as described above or because they have been thrust into a role for which they are ill equipped.
- Even participation at Annual Meetings is hampered by logisti-

---

**SYSTEMIC DYSFUNCTIONALITY**

---

cal concerns which ought to be looked at in relation to making participation and input as easy as possible. Because of distance and cost many ACL's are not represented at Annual Meetings, or Board meetings. And when they do attend many are not able to stay for several days due to family and other commitments.

For these reasons, among others, most of the power within the Board (and therefore the Federation) gravitates to the Directors at Large. It is from this contingent that most of the President's of OACL have been chosen. People who have held Directors at Large positions have been rotating Members at Large for some years. It is from this group that you get what are referred to as the "Professional Volunteers". It is these individuals who have devoted a better part of their lives to the movement, that understand the issues and are able to dominate agendas. This is not to criticize these individuals who have served so admirably over the years. Instead they ought to be applauded for carrying all of the less active along despite themselves. In virtually every organization a few people tend to "run the show". What stands out in this analysis is the fact that access to the centre of power within OACL has not been open or changing as much as it could or should be, and the onus can increasingly be placed on By-Laws in need of change.

The solution to all of this is not a simple matter of cleaning up the act of a given Council or a few ACL's. We believe there are structural and process measures which need to be addressed. This service sector has mushroomed into a complex and unwieldy conglomeration of programs, agencies and funding mechanisms. We must empower volunteers and therefore we need to do more than say "get your act together." We need to do more than tell Agencies and their E.D.'s to be better prepared. We need to provide tangible vehicles within a restructured Federation to help make the system work better.

The question of how this Federation functions as a democratic organization has become an issue because, for the past three or so years, OACL has envisaged the next stage of "Community Living" as one without structured programs and by implication without structured Agencies. This philosophy is a threat to the very existence of ACL's but more important it is also a threat to the many stable and valuable service initiatives which have formed the basis of a more humane way to provide service to thousands of people.

ACL's can always improve the way they do business. Few of us disa-

---

**SYSTEMIC DYSFUNCTIONALITY**

---

gree with the push towards more aggressive individualized planning and service. But many of us see these initiatives moving to more flexible ways of doing business rather than no structured programs at all; and we see this happening in phases over time. A program can be offered to an individual or a group of individuals. The issue is not the program so much as it is the ability of an Agency to focus on a specific individual rather than compromising an individual's activity for group activity. The extent to which this is possible will depend on how quickly alternative support networks rise to the occasion or on how much one to one funding is available. We also agree with the idea of more community and volunteer support in the lives of disabled people, but we also know from experience that professional staff will always be needed in varying degrees. There is a lack of sophistication in current OACL direction because the subtle, yet fundamental, differences which we identify are not being expressed in OACL vision or policy. In other words, there is no disagreement with the general direction which we must pursue, but we must leave room for necessary alternatives in this vision. And we must be prepared for the possibility that one or more of the premises upon which these new directions are founded will not become reality.

What we need to do is empower a broader base of volunteers among ACL's. The following section itemizes recommendations as to how this might be accomplished.

---

**RECOMMENDATIONS**

---

**New By-Law  
Amendments**

1. Due to the size of this province and the enormous size of the Federation we recommend that a clear and effective system of proxy voting be instituted at Regional Council level, OACL Board meetings and the OACL Annual General Meeting by way of ensuring this through the Constitution and By-Laws of the Association.
2. To ensure the continuance of new ideas, we recommend that Director's Tenure as stipulated in By-Law 5.2(ii) "No person shall be elected to the Board of Directors for more than 12 consecutive years" be changed to 8 consecutive years with a minimum absence of at least 2 years before becoming eligible for re-election once again. This is critical to the dynamic growth of OACL and will assist in opening access to leadership within the Federation. We have opted some time ago for this kind of limitations in our local ACL By-Laws and therefore feel it is reasonable to expect at the provincial level.
3. Section 19 of the By-Laws which states, "The By-Laws of the Association shall be interpreted in a manner consistent with the Standards of Performance for Associations for Persons Who Are Identified as Developmentally Handicapped" is an obtuse almost forgotten reference in the current By-Laws to a critical document which few members and ACL's were even aware of. These Standards of Performance should be condensed and embodied in the Constitution and By-Laws so that communication of these standards to the members is more clear and so that the process of amendment of standards is also straight forward. We are in effect seconding the resolution put forward by MTACL at the Windsor conference.

As things stand, and as we well know from the experience of the Windsor Annual Meeting, the process of amending the Standards of Performance and By-Laws of the Federation simultaneously is fraught with logistical and legal problems. This is not appropriate especially given all of the other process barriers which must be crossed by conference participants as outlined in this paper.

4. Further to the above in relation to the second paragraph of the Standards of Performance content we recommend, that in any revised versions or reincarnations within the Constitution, it

---

**RECOMMENDATIONS**

---

should be clear that the primary allegiance of the Association is not only to people with the condition of mental retardation and their families or friends, but also to the volunteer governing bodies of ACL's and other affiliates which coincidentally and cooperatively strive to improve living conditions for people with mental retardation. This is not a contradiction in terms. This is not a question of structured Agencies fighting against people with developmental handicaps. We should be viewed as one family irrespective of differences which might arise. It is our belief that with improved communication our perceived and real differences will not be nearly as great as this document indicates.

5. We are suggesting that Regional Councils meet at least nine times per year to be effective. By-law 14.2 should be amended to support this suggestion by changing the legal requirement to meet at least once per year to a minimum requirement of four times a year. The volume of information and complexity of issues which the Regional Councils must deal with necessitates a more committed schedule. Failure to adopt this practice simply reinforces the prevailing practice where the "professional volunteers" and paid staff develop and dominate meeting agendas and the corresponding policies or actions which emanate from them. Most ACL Board members meet on Board sub-committees at least nine times per year anyway and so the ACL Regional Council representatives would participate in Regional Council in lieu of other sub-committees and their respective commitments in time would be no greater. Informed and articulate OACL Board members are critical to a healthy Federation.
6. We are further recommending that the number of Directors at Large be reduced from five to three. The vast majority of the estimated 15,000 grass roots members are already represented through the Boards of ACL's and through to the Regional Councils. What constituency do Directors at Large represent? Is it the voice of consumers unencumbered by ACL's and all that is status quo oriented? If this is part of the rationale then we submit that this constituency is already well represented by People First, the Youth Director, the Treasurer and three Directors at Large. The non-institutional representational view has in fact dominated the OACL agenda and this is partly why we are in conflict.
7. Since we have recommended that the matter of accountability

---

**RECOMMENDATIONS**

---

**Support for Mid-western Council Constitution & By-Law proposals:**

be dealt with clearly in the Constitution and By-Laws of OACL given its vital importance to the Federation we further recommend the following in support of the Midwestern By-Law amendment proposals at Windsor, namely:

- (1) that Article 3 of the Constitution be amended **from**, “To assist persons who are identified as developmentally handicapped in realizing their individual potential within the community” **to** “To provide support to Local Associations whose job it is to ensure that persons who are identified as developmentally handicapped are able to realize their individual potential within the community”.
- (2) that section 3.1 of the By-Laws be changed to read, “The Association shall be a Federation of affiliated local associations who are in good standing with OACL and these local associations shall comprise the membership, along with Honorary Life Members and those Life Members appointed prior to 1981.

**Support for Metro Toronto Council By-Law proposals:**

8. We are also substantially in agreement with the Metropolitan Toronto Association for Community Living (MTACL) proposed By-Law amendments having to do with sections 18.2, 18.3, and 18.4 which read as follows”:

- (a) By-Law 18.2 is amended to read as follows:  
The Notice of Motion to amend the By-Laws or the Letters Patent shall contain -
  - (i) the exact wording of the proposed amendment,
  - (ii) detailed reasons supporting the amendment, and
  - (iii) analysis of the cost implications of the amendment.
- (b) By-Law 18.3 is amended to read as follows:  
Notice of Motion to amend the By-Laws or the Letters Patent may be made by any member of the Association, any affiliated association, any Regional Council, the Board of Directors or People First of Ontario, provided that the Notice is received by the Secretary -
  - (i) at least thirteen weeks before the date of the general meeting, if the amendment does not materially affect the rights, privileges or respon-

---

**RECOMMENDATIONS**

---

sibilities of any members, affiliated associations or directors.

- (ii) at least forty weeks before the date of the general meeting, if the amendment does materially affect the rights, privileges or responsibilities of any members, affiliated associations or directors.

- (c) By-Law 18.4 is amended to read as follows:

Copies of such Notices shall be mailed by the Secretary to all affiliated associations, regional council chairpersons, directors and People First of Ontario -

- (i) at least twelve weeks before the date of the general meeting, if the amendment does not materially affect the rights, privileges or responsibilities of any members, affiliated associations or directors.
- (ii) at least thirty-nine weeks before the date of the general meeting, if the amendment does materially affect the rights, privileges or responsibilities of any members, affiliated associations or directors.

This amendment goes to the heart of our argument that the time frame required to communicate and educate volunteer members at the ACL level and at Regional Council level is considerable but that without due process the functioning of the Federation becomes a sham.

- 9. We currently have an “OACL By-Law General Revision” document before us for consideration at the next Annual Meeting. It is clear in reading this that substantive amendments to By-Laws should not be included in a general revision document. It is too easy for members to overlook an item of importance. We recommend that the By-Laws should clearly indicate that proposed amendments of significant change must be dealt with individually. A case in point follows in item 10 of our recommendations.
- 10. OACL has proposed in the General Revision that the Board be downsized from 30 to 21 by way of aligning the current 23 Regional Councils with the 13 Government jurisdictions in which local associations have transfer payment relationships. This would have the effect of reducing Regional representation

**Oppose OACL  
Board By-Law Pro-  
posals:**

---

**RECOMMENDATIONS**

---

on the OACL Board by 10 members. We are strongly recommending that this proposal be defeated for these reasons:

- Regional Councils would be too large and cumbersome to be effective.
- Travelling would be more difficult for our volunteers given the greater distances involved.
- Regions would have fewer voices on the Board to protect their interests.

We realize that the OACL Board is also cumbersome but better to have one large body than fourteen. What we need are better informed regional representatives and we believe that the adoption of the above recommendations would go a long way to assisting the OACL Board and all ACL's.

**New Policy Development Process:**

11. We further recommend that in order to facilitate a more efficient functioning of Regional Councils OACL adopt a practice (or be required by By-Law) of informing all ACL's of draft Policy Positions (as developed by OACL Board committees) immediately by fax so that local associations have an opportunity to bring their views to Regional Councils and the Regional Council Director has had time to be given instructions on how to represent the Council before the OACL Board votes on a particular policy position. We firmly believe that it is not enough for the OACL Board to develop policies consistent with its Vision or Standards of Performance without, in a workable, real and effective way, seeking specific input through Regional Councils. One person's interpretation of what is consistent with a Vision can be quite different than another person's interpretation. There should be a minimum of a ninety day time frame between the time that ACL's are faxed (115 faxes can be issued without an attendant in the middle of the night) a policy position and the time the OACL Board votes on a particular position. It is essential that views get up the line and this has not been happening. All policies should have "cost/benefit analysis" and corresponding rationale attached to it. While costing out the delivery of a new service model, for example, can be a difficult and precarious task, it is nonetheless important in determining viability and potential implications.

---

**RECOMMENDATIONS**

---

12. We believe ACL's should be informed immediately about all significant developments within the Federation. The loss of a one million dollar headquarters investment is a significant operational issue and we were not given any specifics until months after this happened. Just as OACL becomes involved in a public issue having to do with an alleged abuse case in an ACL, for example, so too should ACL's be informed about a matter of this magnitude.
  
13. A further recommendation would be for OACL to look into the cost and feasibility of linking all agencies together in a common computer network through an Internet connection. Since most, if not all, agencies already have computers and modems, this would not be an insurmountable task. Through a centralized host, agencies could:
  - Generate real time communication with counterparts on virtually any subject in a way that random telephone calls cannot do.
  - Search for and download background material and position papers on any issue of concern.
  - Send and receive electronic mail to any one or several users instantly.
  - Participate quickly in an opinion gathering process on contemplated issues or actions.

A primary difference in this process compared to our present system would be that agencies could more easily find relevant information sources and/or common themes of agreement among our 116 partners in the Federation.

14. There should be a distinct move within OACL to place more emphasis and resources on "Direct Service Support." This change in emphasis should be driven by ACL's under the new lines of accountability to ACL's as proposed in Recommendations 4 and 7 of this document. Direct service support should be more comprehensive, less arbitrary and in tune with the priorities of Associations. There are hundreds of instances where individual ACL's are "reinventing the wheel" while expending copious amounts of energy, time and money. This change must be comprehensive and

---

**RECOMMENDATIONS**

---

systemic to be effective.

In the final analysis, failure to come to terms with this very sensitive question could result in the establishment of a parallel direct service umbrella Agency accountable entirely to ACL service providers.



**OACL:  
A Federation in Conflict?**

A Draft Discussion Paper