

MINUTES

COMMUNITY SERVICES COMMITTEE

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

CHAMPLAIN ROOM

18 JANUARY 1996

3:00 P.M.

PRESENT

Chair: M. Meilleur

Members: M. Bellemare, R. Cantin, L. Davis, D. Holmes, A. Loney,
A. Munter, B. McGarry, D. Pratt

CONFIRMATION OF MINUTES

That the Community Services Committee confirm the Minutes of 7 December 1995 and 14 December 1995.

CARRIED

INQUIRIES

Supplementary Information re: Assistive Devices Program

Councillor A. Munter requested that the Committee hear a presentation from Mr. John Burgess of the Independant Living Centre regarding the proposed funding cuts to the Assistive Devices Program (Supplementary Aid/Special Assistance Program).

John Burgess said he works at peer intervention and he has been receiving calls from individuals who cannot have repair work such as replacing a flat tire or a burnt-out motor on their wheelchair performed because of the uncertainty around what costs will be covered by the Assistive Devices Program (ADP). He added this uncertainty has put some repair technicians in the position of having to refuse a service call unless it can be paid for up-front by the person making it. Mr. Burgess said there are indications even Supplementary Aid staff are unsure exactly what the cuts entail. He noted he was not able to get clarification about what was meant by "one time only", i.e., whether this meant once a year, once in the lifetime of the equipment or once in the lifetime of the individual.

He cited the example of one person whose electric wheelchair had to be repaired twice in two years at a cost of \$1100: this person has now used up his "one time" and should other repairs be necessary, he will not be able to have them done and he will be confined to his bed. Mr. Burgess put forth the view that a person receiving General Welfare Assistance would not be able to cover these costs.

The Social Services Commissioner D. Stewart, circulated a Memorandum which provides clarification on the item referred to as "Other" in the Budget Companion Report (22 Nov 95). Speaking to Mr. Burgess' presentation, Commissioner Stewart noted the Committee, at its meeting of 07 Dec 95, reinstated the provision that the department would only pay 25% of the actual cost of devices as opposed to 25% of the approved provincial price list: staff estimated this would represent savings of \$200,000 gross, \$35,000 net. He noted this policy change has not yet been implemented. With respect to repairs to Assistive Devices, policy changes have been implemented beginning 01 Jan 96. Mr. Stewart said these were estimated annualized savings and in order to meet its budget target, the department had to move in this direction. He added the other major exception is the transportation subsidy which was reinstated and paid on 01 Jan 96.

Mr. Stewart acknowledged there is confusion about the repair and maintenance of medically-prescribed devices. He indicated that, in 1995, the department paid approximately \$250,000 through Supplementary Aid for repairs to wheelchairs; these repairs ranged from being one-time only, i.e., one repair once for one person to repairing one chair 35 times and from major retrofits to repairing flat tires, providing new foot rests and covering normal wear and tear. He said the intent of the policy was to pay one-time for a major retrofit and the cost of subsequent retrofits would be shared 50/50 with clients. Commissioner Stewart indicated the Supportive Living staff in the Residential Services Division has taken this approach and clients, through family and service clubs, have been able to find their 50% share. He noted, however, that Supplementary Aid has been paid 100% whenever required and the department does not intend to cease basic repairs. Mr. Stewart went on to say departmental staff have asked that the recommendation be re-phrased to clarify that "one time only" means once a year, not once in a lifetime and he felt this was a reasonable interpretation given these are annualized savings. He said the decision will rest with Council as to whether the overall intent is that there be a user-pay element in major maintenance beyond once a year.

In reply to questions from Councillor L. Davis, Mr. Stewart apologized for the widespread confusion around this issue, noting that many changes have had to be made to Supplementary Aid and these were not as detailed as they should have been. He added all departmental policies contain exception clauses and provisions for special circumstances, with decisions being made by supervisors and/or directors. Councillor Davis asked whether a means test had been considered or whether this approach would be too administratively prohibitive.

Commissioner Stewart noted the majority of persons who receive Supplementary Aid are recipients of Family Benefits Assistance who have already been means tested and have been found to be without income, with minimum assets and minimum capability to pay; however, some elderly or aged clients may be in a better position in this regard. Councillor Davis asked whether there would be an impact on other assistive devices. Mr. Stewart replied in the affirmative, noting other non-prescribed items will also be affected and clients will be informed about changes as soon as possible after Council's budget deliberations.

Councillor Munter expressed the view the Committee had not intended that Assistive Devices be purchased without a provision for repairing them: he said he thought most members had considered this one unit. He asked whether the total amount of \$250,000 had been used in 1995. Commissioner Stewart indicated this amount represented the actual billings. Councillor Munter said it was remarkable anybody would suggest that disabled people on FBA pay 50% of \$1000 for repairs, and he noted this matter will need to be revisited at Council.

Mr. Burgess requested service providers be immediately notified that regular repairs can be done, as they have been waiting for formal authorization. He suggested that "once a year" be amended to reflect the reality of the ADP which will only buy a new wheelchair every five year. He noted the reality is that the equipment does not last that long and more repairs are needed in the fourth or fifth year. He spoke about the issue of properly prescribed chairs that factor in the weight of the client, noting this equipment is not always on the ADP approved list and the chair provided is the one that comes closest to the proper one. Commissioner Stewart said major suppliers will be immediately informed that the department is prepared to repair flat tires, etc., but that the matter of substantial repairs still needs to be considered by Council.

Councillor A. Cullen asked for additional information outlining circumstances and policy implications on this matter prior to Council's budget deliberations. He also suggested councillors receive information on Supplementary Aid policies in order to know what standards can be expected. Councillor D. Holmes asked for a profile of those clients that would be expected to contribute 50% for repairs and what an annualized bill might be for repairs to motorized wheelchairs/scooters.

Councillor B. McGarry thanked both Mr. Burgess and Commissioner Stewart for the clarifications provided on this matter. The Committee Chair, M. Meilleur, expressed the hope Mr. Burgess would continue to work with the department and that he would provide the Committee with "reality checks" from time to time.

REGULAR ITEMS

1. Tobacco Advertising

- A/Medical Officer of Health and Regional Solicitor's
Joint Report dated 02 Jan 96 and attachments

The Committee heard from Mr. Rick O'Connor, Regional Solicitor's Office, who introduced Dr. Rosemary Ramsingh, Community Medicine Resident, Health Department, and Ms. Deborah McCullough, Tobacco Prevention Coordinator, Health Department. The contribution of the Acting Medical Officer of Health, Dr. Edward Ellis, who is away on regional business, was acknowledged.

Mr. O'Connor presented the report, which provides background information on the federal legislation which was struck down by the Supreme Court of Canada in September 1995, and outlines a number of Motions from Regional Council calling for:

- tobacco advertising being prohibited on regional properties;
- OC Transpo being requested to adopt a similar policy; (the Commission will be address this matter in February 96 and currently prohibits tobacco advertising);
- alternatives to tobacco funding for arts, culture and sports activities being found.

Mr. O'Connor, speaking to the last matter, said the following measures have been proposed:

- the establishment of a Federal Health Tax: this could reduce tobacco consumption among price-conscious youth and assist groups in moving away from tobacco sponsorship funding;
- the RMOC to unite with arts, culture and sports groups to find revenue alternatives (an Arts and Health Alliance, AHA, has been established in Toronto and consists of seventy groups working toward this end);

Mr. O'Connor presented the following statistical information on smoking:

- in 1995, 50 billion cigarettes were sold, representing sales valued at \$8 billion. There were 40,000 tobacco-related deaths. Trends in smoking behaviour among adults and youth were highlighted, illustrating the fact that the numbers are back to 1986 levels and higher in some cases, i.e. among young (15-19) women.

Mr. O'Connor spoke next about the federal document entitled "Tobacco Control: A Federal Blueprint to Protect the Health of Canadians". He noted the document provides a regulatory framework and recommends a ban on advertising, restrictions on tobacco promotion and sponsorship, reduced access by youth and packaging a labelling requirements for tobacco products. With regard to the ban on advertising, the Blueprint will propose "the most comprehensive prohibition possible" and indicates that the Federal government will be bringing the evidence necessary to uphold it in a court of law, further to the September 1995 decision of the Supreme Court. Mr. O'Connor noted the Region is recommending that any advertising be "tombstone" advertising, i.e., text messages only with no lifestyle advertising. He added that, given the Supreme Court confirming that only the federal government has the criminal jurisdiction in this regard, deferring the regional policy until the federal legislation is implemented would preclude a legal challenge that the Region lacks the necessary legislative authority to implement a ban.

With respect to the restrictions on sponsorship proposed in the Blueprint, Mr. O'Connor said it is anticipated there will be continued tobacco sponsorship of arts, culture and sports activities. However, there will be prohibitions on brand-identifiable elements on non-tobacco promotional items (caps, Tee-shirts, etc.) and health messages must be part of all advertisement.

Mr. O'Connor then spoke about the voluntary Code of Conduct released by the Canadian Tobacco Manufacturers' Council, noting the code only applies to the Council's members, Imperial Tobacco, Rothmans - Benson and Hedges and RJR MacDonald. He indicated the code has been called weak, as there is no penalty for violating it.

Mr. O'Connor concluded his presentation by highlighting the recommendations put forward by staff. He drew Committee's attention to the second recommendation, that the policy be deferred to the new proposed federal legislation, pointing out that a deferred item has a life span of six months, and, during this "window of opportunity", regional staff will:

- review the federal legislation that will come out in the Spring and comment on it as necessary;
- begin to consult more closely with some of its partners, i.e., the National Capital Commission (Festival Plaza and Confederation Park), the City of Ottawa, which leases two properties from and jointly owns a third property with the RMOC and the O.-C. Regional Transit Commission to implement a uniform and consistent policy.

The Committee heard from Dr. R. Ramsingh, who spoke about the evidence for the association between tobacco advertising and smoking, the impact tobacco advertising is having on children and lifestyle advertising. She directed members to a Summary Document of the Literature, found at Annex A of the report and outlined some of its major components..

Committee Chair M. Meilleur congratulated staff for an excellent presentation.

The following delegations were heard:

Ms. Carolyn Hill, representing the Ottawa-Carleton Council on Smoking and Health

Ms. Hill spoke in support of the measures contained in the federal document and she expressed the belief there should be a total ban on advertising. She said there is no doubt the tobacco industry aggressively markets to young people and if advertising does not increase consumption, why do companies spend such large amounts of money on it. She said she thought the Voluntary Code is totally unacceptable and the industry is actively soliciting university students. She posited that all governments should be committed to introducing the most comprehensive restrictions. She said the Blueprint appears to be weak in that it would still allow companies to present sports event and ads could appear on billboard adjacent to schools. The OCCSH suggests one way to phase out tobacco sponsorship is through a tax or fee on manufacturers: this would be used to provide alternate funding for arts, culture and sports groups. She added the Council is supportive of the arts and is sensitive to the financial situations most organizations find themselves in at this juncture. She suggested an alternate approach would be to increase taxes on every pack of cigarette to increase the price. The OCCSH strongly suggest that Regional Government be a leader in this area and not wait for the federal legislation.

Cynthia Callard, representing Physicians for a Smoke-Free Canada

The speaker corrected the figure of \$80 million cited as the amount of tobacco sponsorship, saying DuMaurier has clarified it gave \$1.5 million to arts groups in Canada and in the 25 years of its existence, it has provided \$40 million. The Canadian Conference on the Arts surveyed 78 organizations and estimates there has been a \$3.9 million contribution in cash and \$5.6 million in posters, etc. Ms. Callard said this represents a very different economic impact. She also noted that the Supreme Court did not say that Provincial or Regional governments could not take action, only that the Federal Government had it within its criminal power to impose legislation: Provincial governments can impose restrictions on advertising within their Trade and Commerce regulations and the administrative policies of governments can reflect local standards. She noted that, notwithstanding the industry's Voluntary Code, there is advertising, in subtle ways. She expressed the hope the Region will take a strong position with respect to the Blueprint document. She added that the issue of sponsorship remains problematic, but is solvable.

Ms. Jane Gardner, representing the Great Canadian Theatre Co. and the,
Ottawa International Jazz Festival

Ms. Gardner said that in the last 20 years, great progress has been made in limiting where people can smoke. The proposed federal legislation prohibiting the purchase of tobacco by youth will have a tremendous impact. She said she looked forward to the upcoming legislation to see how it will affect cultural groups, specifically with regard to sponsorship. She noted groups have to look to many corporate partners to build a bankroll and Boards come to these partnerships as educated people who know the product and who try to limit the marketing of the corporations.

Ms. Gardner expressed the view there is confusion between lifestyle advertising and sponsorship; the Jazz Festival program and poster which contain a small logo recognizing DuMaurier's contribution will not make someone start smoking. She noted the new legislation will place additional restrictions on what organizations can do, such as mailings or having to place warnings on other promotional materials about the effects of smoking on health. Ms. Gardner said there has to be a balance that allows reasonable individuals to accept money from corporations. In reply to a question from Committee Chair Meilleur, Ms. Gardner noted the total Jazz Festival budget is \$500,000, and in 1995 DuMaurier contributed \$8,000 for the first time.

Councillor A. Munter pointed out that a contributing factor to having to find other sponsors is that all levels of governments are cutting their support for the arts. He asked whether it would not be preferable to say no sponsorship if there are concerns about labelling. Ms. Gardner replied this would be possible if support for the arts were increasing, but as this is not the case, the path for cultural agencies is through individuals and corporations. Responding to a question about restrictions on regional properties, Ms. Gardner indicated art will find a way to express itself and will adapt and evolve according to how the rules change. She commented on the implications for the written word and for the Internet, saying placing restrictions is a form of censorship. Councillor Munter pointed out this is a question of public health, and as long as the health care system works the way it does, public bodies must promote good health.

Councillor R. Cantin asked if there was support for using only company names as opposed to logos. Ms. Gardner replied sponsors' preferences are followed, and many organizations have fundraising ethics; in good times it is easy to make certain decisions but this becomes more problematic in difficult times.

Mr. John Forster, representing Odyssey Theatre

Mr. Forster echoed Mr. Gardner's comment about differentiating sponsorship and lifestyle advertising. He noted DuMaurier has been sponsoring Odyssey Theatre for 6 years and has been an important corporate supporter of the arts in Canada for 25 years; the company is interested in sponsoring small and intermediate groups that are prepared to do new, interesting Canadian works. He noted Odyssey has received no complaints about DuMaurier's sponsorship to-date.

Mr. Forster said the company has increased its fundraising revenues by one-third in 1995 but placing restrictions on who companies can and cannot deal with will make this harder. He put forth the view that many other products are harmful to health, such as automobiles that pollute the air and kill people. He expressed support for the recommendation to await the federal legislation, as any measure approved today may generate a more uniform policy throughout the Region. Mr. Forster asked that Regional Council not support the restrictions on sponsorship and separate lifestyle advertising from sponsorships, otherwise many organizations and events will be affected. He indicated the Region needs to look for a viable, stable funding base, and he expressed the hope this would be a consideration during the upcoming budget debate.

Ms. Anja Miler, representing Opera Lyra Ottawa

Ms. Miler note Opera Lyra receives \$12,000 from DuMaurier Arts Limited: although this may not appear significant out of a budget of \$1.6 million, in reality the company would have to earn \$47,000 in corporate sponsorships to keep its budget close to balanced. She expressed the view some of the comments put forth are alarmist, since the Region does not have the same potential as Montreal and Toronto for large events. She re-emphasized the importance of differentiating between lifestyle advertising and sponsorship. She pointed out that the majority of persons who attend Opera Lyra performances are roughly between the ages of 25 and 62 and they likely would not be swayed by the presence of a tobacco company logo on programs and posters. Councillor D. Holmes asked for a comment on the proposal to allow only "tombstone" advertising. Ms. Miler said it is a matter of what is more suitable, and decisions are made on marketing issues, as the company is trying to sell the performance, not DuMaurier.

Councillor Munter asked if the transitway, OC Transpo and road allowances are defined as regional property. Having received an affirmative reply, he said that while municipalities cannot prohibit advertising, the By-law that governs Regional Roads could be used to impose some prohibitions and restrictions. Mr. O'Connor cautioned this could potentially be a dangerous situation.

At this point, Committee Chair M. Meilleur called for a vote on the first recommendation.

1. **That Regional Council support the Federal Government's tobacco control legislation as proposed in Tobacco Control: A Blueprint to Protect the Health of Canadians and that this report constitute Council's response to the proposals.**

CARRIED

Councillor R. Cantin proposed the following Motion:

That Council implement the policy adopted at its meeting of 25 Oct 95 with regard to prohibiting all tobacco advertising as well as lifestyle ads by tobacco companies; and that "shell" company advertising be limited to the name of the company, with no logos or parent company colours to predominate the adds.

Speaking to his Motion, the Councillor said the second part deals with the promotion of activities, festivals, etc., where the shell company sponsors the activity. He noted representatives have said these contributions are important and must be acknowledged in some manner. With this proposal, the name of the company would appear but not its logo, nor its identifiable colours or markings.

Councillor Holmes said she was attempting to allow some type of sponsorship and she suggested the federal government be asked to permit this, with controls in place. Councillor B. McGarry expressed the view the proposed Motion is an administrative nightmare and is complicated and bureaucratic to the extreme.

Councillor Munter said it is irrelevant whether individual groups use advertising, it is the cumulative effect of seeing it over and over again that matters. He said he would prefer that tobacco advertising not be permitted on regional property: if tombstone advertising is to be permitted, it should be made clear what this means. He said it appears the federal legislation will define this and he suggested Mr. O'Connor report back on wording that will eliminate the uncertainties. In reply to a question from Councillor Holmes, R. O'Connor confirmed that this will have to be contained in the federal legislation.

Councillor M. Bellemare asked whether, given the Supreme Court decision, the Region would be leaving itself liable to a lawsuit by adopting an independant policy. R. O'Connor said this risk is incurred with every policy decision but staff felt the Committee should be apprised of the federal policies. Councillor Bellemare put forth the view the federal level should be permitted to do its job.

Moved by R. Cantin

That Council implement the policy adopted at its meeting of 25 Oct 95 with regard to prohibiting all tobacco advertising as well as lifestyle ads by tobacco companies; and that “shell” company advertising be limited to the name of the company, with no logos or parent company colours to predominate the adds.

LOST

YEAS: R. Cantin, A. Munter

NAYS: M. Bellemare, L. Davis, D. Holmes, M. Meilleur, B. McGarry

2. **That Regional Council defer the implementation of a policy, the intent of which is to prohibit all tobacco advertising as well as lifestyle ads by tobacco companies or their “shell” companies on Regional properties, in deference to the new proposed federal legislation, as set out in Tobacco Control: A Blueprint to Protect the Health of Canadians.**

CARRIED

(R. Cantin, A. Munter
dissenting)

Moved by D. Holmes

3. **That the document “Tobacco Control: A Blueprint to Protect the Health of Canadians” include the provision that arts, cultural and sports organizations which receive tobacco sponsorship funds shall only recognize said sponsorship with “tombstone” advertising in their publications.**

CARRIED

Moved by D. Holmes

That a working group made up of representatives from the RMOC Arts Committee , the RMOC Legal Department, the Manager, Arts Program, the, representatives of the festival network and RMOC funded arts groups be established to investigate and develop new sources of funding for arts and cultural needs.

CARRIED

Moved by D. Holmes

That Council recommend to the Minister of Health that the federal health tax on tobacco industry profits be instituted to be used for arts, cultural and sports funding.

CARRIED

Councillor A. Cullen spoke in support of a resolution put forward as a result of the A. C. Neilson which investigated retailer compliance in Canada and found that compliance rates were well below average: for example, in the Ottawa-Carleton region, 181 stores were prepared to sell tobacco products to a minor. Councillor Cullen said it is upsetting to see this lack of compliance and he suggested the Regional Police step up their enforcement of the legislation. He said he thought this would help change behaviour and not enforcing the law will ensure it is not obeyed.

Dr. G. Dunkley noted some provincial funding was allocated to the Health Department for enforcement and this amounts to a full-time equivalent inspector. Councillor Cantin suggested enforcement not be done by the Police but by local licensing personnel in conjunction with the Health Department. Councillor Cullen said he believed all resources should be utilized and that there is a greater impact when the Police announce they will be enforcing specific regulations.

Moved by R. Cantin

That the following be substituted as the final recommendation in Councillor Munter's Motion:

THEREFORE BE IT RESOLVED that staff join forces with local licensing authorities to charge clerks and companies for non-compliance with the provisions of the Tobacco Control Act.

CARRIED

Moved by A. Munter

WHEREAS Regional Government, in partnership with other public health authorities, has promoted policies to reduce disease, disability, and mortality associated with tobacco smoking, both to save lives and reduce health care costs;

WHEREAS each year in Ottawa-Carleton some 1,500 adolescents start smoking;

WHEREAS 85% of all smokers started smoking by age 16;

WHEREAS in 1992 Regional Council set tobacco use targets for Ottawa-Carleton, including no sales to minors by 1995;

WHEREAS in 1994 the Ontario Government adopted the Tobacco Control Act, making illegal the sale of tobacco products to anyone under age 19 (with fines up to \$2,000 a person, \$5,000 a corporation) for offenders; repeat offenders are automatically prohibited from selling tobacco, and face fines up to \$50,000 a person, \$75,000 a corporation;

WHEREAS a study recently conducted for Health Canada shows that in Ottawa, 59.9% of retailers contacted (302 stores including gas bars, convenience and grocery stores) are willing to sell tobacco products to minors between age 15 and 17;

BE IT RESOLVED that staff join forces with local licensing authorities to charge clerks and companies for non-compliance with the provisions of the Tobacco Control Act.

CARRIED

Moved by R. Cantin

That Council be requested to waive the Rules of Procedure to consider this item at its 24 January 1996 meeting

CARRIED

RESPONSES TO MOTIONS/INQUIRIES

2. Response to Inquiries on Anonymous Testing for HIV - Inquiry CSC-20A
- Associate Medical Officer of Health memorandum dated 29 Nov 95

In reply to a question from Councillor A. Munter, Dr. G. Dunkley confirmed anonymous testing is available through the AIDS Bureau, the walk-in clinic at the Somerset West Community Centre and the SITE Program (HIV Prevention Program, Health Dept). Dr. Dunkley indicated the AIDS bureau is booked up but staff at the SITE Program have been able to meet the demand.

Councillor Munter said the report that was prepared in response to this inquiry illustrates that the rate of finding positive test results through anonymous testing is significantly higher than through other methods. He noted it is to the advantage of the community if people know early on that they are infected and take the necessary precautions to stop the spread of HIV.

Moved by A. Munter

That staff report on the feasibility of the RMOC expanding the availability of anonymous HIV testing at its own facilities.

CARRIED

That the Community Services Committee receive this report for information

RECEIVED

INFORMATION ITEMS

That the Community Services Committee receive the following items for information:

JOURNALS, ARTICLES

- Canadian Public Health Association - Health Digest - Autumn 1995
- Ontario Public Health Association - OPHA News, November and December 1995 and Healthbeat, Fall 1995
- American Journal of Public Health - December 1995 (Index attached)
- American Public Health Association - The Nation's Health, December 1995

MISCELLANEOUS

- Child Care Information - Statistics, November 1995
- Ontario Injury Prevention Resource Centre - Newsletter, November/December 1995
- Regional Coordinating Committee to End Violence Against Women - Minutes, December 6, 1995

RECEIVED

INFORMATION PREVIOUSLY DISTRIBUTED

1. Tobacco Advertising Prohibition - Interim Report
- Regional Solicitor report dated 24 Nov 95
2. Coordinated Approach to Discarded Needles
- Associate Medical Officer of Health memorandum dated 15 Dec 95
3. Alcohol Use Harm Reduction Strategy Update
- A/Medical Officer of Health Report dated 15 Dec 95

ADJOURNMENT

The meeting adjourned at 6:00 p.m.

COORDINATOR

CHAIR