Disability and Human Rights



Ontario
Human Rights Commission
Commission ontarienne des droits de la personne

Ontario *Human Rights Code*

The Ontario *Human Rights Code* (the *Code*) provides for equal rights and opportunities, and freedom from discrimination. The *Code* recognizes the dignity and worth of every person in Ontario. It applies to the areas of employment, housing, facilities and services, contracts, and membership in unions, trade or professional associations.

At work, employees with disabilities are entitled to the same opportunities and benefits as people without disabilities. In some cases, they may need special arrangements or "accommodations" so they can do their job duties.

Customers, clients and tenants with disabilities also have the right to equal treatment and equal access to facilities and services. Examples of facilities and services are restaurants, shops, hotels and movie theatres, as well as apartment buildings, transit and other public places.

Public and private education providers must also make sure their facilities and services are accessible, and that students with disabilities are accommodated.

What is disability?

"Disability" covers a broad range and degree of conditions, some visible and some not visible. A disability may have been present from birth, caused by an accident, or developed over time. There are physical, mental and learning disabilities,

mental disorders, hearing or vision disabilities, epilepsy, drug and alcohol dependencies, environmental sensitivities, and other conditions.

The *Code* protects people from discrimination because of past, present and perceived disabilities. For example, the *Code* protects a person who faces discrimination because she is a recovered alcoholic. So is a person whose condition does not limit their workplace abilities, but who is believed to be at greater risk of being able to do less in the future.

Removing barriers and designing inclusively

Persons with disabilities face many kinds of barriers every day. These can be physical, attitudinal or systemic. It is best to identify and remove barriers voluntarily instead of waiting to answer individual accommodation requests or complaints.

Identifying and removing barriers also makes good business sense. As well as meeting the needs of customers or employees with disabilities, removing barriers can also help other people, such as older persons and families with young children.

Employers, unions, landlords and service providers can start by doing an accessibility review of their facilities, services and procedures to see what barriers exist. You can then make an accessibility plan and begin to remove the barriers.

It is also helpful to create an accessibility policy and a complaints procedure. These steps will help you remove existing barriers and avoid making new ones. The best way to prevent barriers is to design inclusively. This means that when planning new facilities, renovating, buying computer systems or other equipment, launching websites, setting up policies and procedures, or offering new services, make sure your choices avoid creating new barriers for people with disabilities.

Barriers aren't just physical. Taking steps to prevent "ableism" – attitudes in society that devalue and limit the potential of persons with disabilities – will help promote respect and dignity, and help people with disabilities to fully take part in community life.

The duty to accommodate

Even when facilities and services are designed as inclusively as possible, you may still need to accommodate the individual needs of some people with disabilities. Under the *Code*, unions, landlords and service providers have a legal "duty to accommodate" persons with disabilities. The goal of accommodation is to allow people with disabilities to equally benefit from and take part in services, housing or the workplace.

Accommodation is a shared responsibility. Everyone involved, including the person asking for accommodation, should work together, exchange relevant information, and look for accommodation solutions together.

There is no set formula for accommodating people with disabilities. Even though some accommodations can benefit many people, you still need to consider individual needs each time a person asks to be accommodated. A solution for one person may not work for someone else.

Some examples of accommodations include:

- Increased flexibility in work hours or break times
- Providing reading materials in alternative formats including digitized text, Braille or large print
- Providing sign language interpreters or real time captioning for persons who are deaf, deafened or hard of hearing so they can take part in meetings
- Putting in automatic entry doors and making washrooms accessible in the workplace or the common areas of a condominium
- In some cases, changing job duties, retraining or assigning a person to another job.

Many accommodations can be made easily, and at low cost. In some cases, putting the best solution in place right away may result in "undue hardship" because of costs or health and safety factors. Even if this happens, you still have a duty to look at and take next-best steps that would not result in undue hardship. Such steps should be taken only until more ideal solutions can be put in place or phased in.

Accommodation responsibilities

As a person with a disability:

- Tell your employer, union, landlord or service provider what your disability-related needs are related to your job duties, tenancy or the services being provided
- Provide supporting information about your disability-related needs, including medical or other expert opinions where needed
- Take part in looking at possible accommodation solutions.

As an employer, union, landlord or service provider:

- Accept requests for accommodation from employees, tenants, and clients in good faith
- Ask only for information that you need to provide the accommodation. For example, you would need to know that an employee's loss of vision prevents them from using printed material, but you do not need to know they have diabetes
- Take an active role in looking at accommodation solutions that meet individual needs
- Deal with accommodation requests as quickly as possible, even if it means creating a temporary solution while you develop a long-term one
- Respect the dignity of the person asking for accommodation, and keep information confidential

- Cover the costs of accommodations, including any needed medical or other expert opinion or documents.

For more information

Consult the Ontario Human Rights Commission's *Policy and Guidelines on Disability and the Duty to Accommodate, Human Rights at Work*, as well as other policies, guidelines, reports and submissions that address disability issues in the areas of education, restaurants, the *Building Code*, public transit and older persons. These are all available on the OHRC's website at **www.ohrc.on.ca**.

The policy and this brochure follow the rights and obligations included in the United Nations *Convention on the Rights of Persons with Disabilities (CRPD)*. For more information, visit: www.un.org/disabilities.

To file a complaint – called an application – contact the Human Rights Tribunal of Ontario at:
Toll Free: 1-866-598-0322
TTY Toll Free: 1-866-607-1240
Website: www.hrto.ca

If you need legal help, contact the Human Rights Legal Support Centre at:
Toll Free: 1-866-625-5179
TTY Toll Free: 1-866-612-8627
Website: www.hrlsc.on.ca

Disponible en français.

© 2011 Queen's Printer for Ontario.

ISBN: 978-1-4435-7415-0 (Print)
ISBN: 978-1-4435-7416-7 (HTML)
ISBN: 978-1-4435-7417-4 (PDF)

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