



# Notice

No: 10-07

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**APPLICABLE TO:**

**DATE:** June 14, 2010

<input checked="" type="checkbox"/>	Municipal & Private Non Profit
<input checked="" type="checkbox"/>	Co-operatives
<input checked="" type="checkbox"/>	Federal Non Profits
<input type="checkbox"/>	OCHAP/CSHP
<input type="checkbox"/>	Rent Supplement

<input checked="" type="checkbox"/>	Mandatory
<input type="checkbox"/>	For Information

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**SUBJECT:** Ontario Human Rights Code Amendment & Duty to Accommodate

## BACKGROUND

The Human Rights Code (HRC) of Ontario is a provincial law designed to prevent discrimination and guarantees a right to equal treatment and opportunity in five areas:

1. Employment
2. Housing
3. Goods, Services and Facilities
4. Contracts
5. Membership in Trade and Vocational Associations (i.e., unions)

On June 30, 2008, the Ontario Human Rights Code was amended and changed the human rights system in Ontario. The HRC states that every person has a right to equal treatment with respect to the "occupancy of accommodation" without discrimination or harassment on the basis of the following grounds:

- Age
- Creed (religion)
- Sex (including pregnancy and breastfeeding)
- Gender Identity
- Family status (such as being in a parent-child relationship)
- Marital status (including the status of being married, single, widowed, divorced, separated, or living in a conjugal relationship outside of marriage, whether in a same sex or opposite sex relationship)
- Disability (including mental, physical, developmental or learning disabilities)
- Race
- Ancestry
- Place of origin
- Ethnic origin
- Citizenship

## Duty to Accommodate

The HRC is designated to prevent discrimination against, among other things, people who have a disability. Under the HRC, housing providers have a duty to accommodate to ensure that the housing they supply is designed to be inclusive. They are required to prevent and remove barriers and provide accommodation up to the point of undue hardship.

Failure to fully explore accommodation options and to fulfill the duty to accommodate is a violation of the HRC. This means that structures may have to be changed so that persons with disabilities are able to fully enjoy equal access and benefit, and these changes must be made in a reasonable and acceptable time-frame.

Housing providers have a legal duty to accommodate households with disabilities and are strongly encouraged to be proactive and actively seek to identify and remove barriers. Housing providers are required to develop policies and procedures and carry out reviews of their housing community to address discrimination and harassment, accommodation requests, and human rights concerns in accordance with the HRC.

Additional information regarding the “*Ontario Human Rights Commission*” and “*Guidelines on Developing Human Rights Policies*” can be found at [www.ohrc.on.ca](http://www.ohrc.on.ca).

## Housing Provider’s Role

Housing Providers are required to develop policies and procedures to ensure compliance with the Human Rights Code. A complete strategy to prevent and address human rights issues should include all of the following elements:

- A barrier prevention, review and removal plan
- Anti-harassment and anti-discrimination policies ✓
- An internal complaints procedure ✓
- An accommodation policy and procedure ✓
- An education and training program

CHRA  
Diane  
Wiles

Attached (Appendix A) is a sample checklist that housing providers can use to complete a general evaluation of their community. Further detailed information on an all-inclusive evaluation of your community, in accordance with the *Accessibility Standards* and the *Accessibility for Ontarians with Disabilities Act, 2005*, can be found at: [www.mcass.gov.on.ca](http://www.mcass.gov.on.ca) or [www.accesson.ca](http://www.accesson.ca).

## Indemnification Clause

Housing providers should be aware that, under the revised legislation, there is no ceiling or cap to potential awards. Housing providers should request their corporate lawyers to review existing indemnification clauses to ensure there is adequate protection against human rights claims, as each director may now be at risk of individual damages.

Attached (Appendix B) is a sample indemnification clause that can be adopted by housing providers to be included in their corporate by-laws.

Ontario Human Rights Code & Duty to Accommodate  
**Accessibility Evaluation Checklist**

This checklist is a very general sampling of some of the issues to consider in helping you identify barrier-free access to your building. This list does not encompass all the requirements of the *Building Code Act, 1992, Accessibility Standards* or the *Accessibility for Ontarians with Disabilities Act, 2005* so you may wish to share this checklist with a technical consultant familiar with barrier-free design, architect, engineer or contractor.

**1. Exterior Access:**

- 1.1. *Is there accessible parking?*
  - 1.1.1. What is the total number of parking spaces on site? Yes No
  - 1.1.2. What is the total number of accessible parking spaces on site? Yes No
  - 1.1.3. Are the accessible spaces located close to the accessible entrance? Yes No
  - 1.1.4. Are the accessible parking spaces clearly marked with the International Symbol of Accessibility? Yes No
  - 1.1.5. Are the accessible parking spaces located on a firm and level surface? Yes No
- 1.2. *Is there a barrier-free, unobstructed path of travel from parking lot to the main entrance?*
  - 1.2.1. Are curbs cuts provided along the barrier-free path of travel? Yes No
  - 1.2.2. Is there a ramp located in the barrier-free path of travel? Yes No
  - 1.2.3. Are the curb cuts or ramps wide enough for wheelchairs and scooters and have a firm, level non-slip finish? Yes No
  - 1.2.4. Are accessible entrances clearly marked with the International Symbol of Accessibility? Yes No
  - 1.2.5. Is the building and route signage displayed, in large and high-contrast lettering? Yes No

**2. Interior Access:**

- 2.1. *Is there an accessible entrance into the building?*
  - 2.1.1. Is it located along a barrier-free path of travel? Yes No
  - 2.1.2. Does the main accessible entrance have an automatic door opener? Yes No
  - 2.1.3. Is the entrance clearly marked with the International Symbol of Accessibility? Yes No
  - 2.1.4. Are mats level with the floor, and door thresholds beveled so they don't create a tripping hazard? Yes No
  - 2.1.5. Is there is a safe, clearly marked, accessible pedestrian route from parking area to building entrance? Yes No
  - 2.1.6. Are there any protruding objects or tripping hazards in accessible routes? Yes No
- 2.2. *Are corridors accessible?*
  - 2.2.1. Do floor finishes have non-slip surfaces under wet and dry conditions? Yes No

Ontario Human Rights Code & Duty to Accommodate  
**Sample Indemnification Clause**

Except as otherwise provided in the *Business Corporations Act*, no director or officer for the time being of the Corporation shall be liable for the acts, receipts, neglects or defaults of any other director or officer or employee or for joining in any receipt or act for conformity or for any loss, damage or expense happening to the Corporation through the insufficiency or deficiency of title to any property acquired by the Corporation or for or on behalf of the Corporation or for the insufficiency or deficiency of any security in or upon which any of the moneys of or belonging to the Corporation shall be placed out or invested or for any loss or damage arising from the bankruptcy, insolvency or tortuous act of any persons, firm or corporation including any person, firm or corporation with whom or which any moneys, securities or effects shall be lodged or deposited for any loss, conversion, misapplication or misappropriation of or any damage resulting from any dealings with any moneys, securities or other assets belonging to the Corporation or for any other loss, damage or misfortune whatever which may happen in the execution of the duties of his respective office or trust or in relation thereto unless the same shall happen by or through his failure to exercise the powers and to discharge the duties of his office honestly, in good faith and in the best interests of the Corporation and in connection therewith to exercise the degree of care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances. The directors for the time being of the Corporation shall not be under any duty or responsibility in respect of any contract, act or transaction whether or not made, done or entered into in the name or on behalf of the Corporation, except such as shall have been submitted to and authorized or approved by the board. If any director or officer of the Corporation shall be employed by or shall perform services for the Corporation otherwise than as a director or officer or shall be a member of a firm or a shareholder, director or officer of a company which is employed by or performs services for the Corporation, the fact of his being a director or officer of the Corporation shall not disentitle such director or officer or such firm or company, as the case may be, from receiving proper remuneration for such services.

Subject to the *Business Corporations Act*, the Corporation shall indemnify a Director or Officer of the Corporation, a former director or officer of the Corporation or a person who acts or acted at the Corporation's request as a director or officer of a body corporate of which the Corporation is or was a Member or creditor, and his or her heirs and legal representatives, against all costs, charges and expenses, including an amount paid to settle an action or satisfy a judgment, reasonably incurred by him or her in respect of any civil, criminal or administrative action or proceeding to which they are made a party by reason of being or having been a director or officer of such corporation or body corporate if,

- (a) he or she acted honestly and in good faith with a view to the best interests of the Corporation; and
- (b) in the case of a criminal or administrative action or proceeding that is enforced by a monetary penalty, he or she had reasonable grounds for believing that his or her conduct was lawful.

The Corporation shall indemnify such person in all such other matters, actions, proceedings and circumstances as may be permitted by the *Business Corporations Act* or the law.

Ontario Human Rights Code & Duty to Accommodate  
**Human Rights Sample Policy**

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(Name of the organization) provides for a working and living environment which is free of any form of harassment or discrimination on the grounds protected under Part I – Freedom of Discrimination detailed under the following sections:

**Accommodation**

2.(1) Every person has a right to equal treatment with respect to the occupancy of accommodation, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, disability or the receipt of public assistance. R.S.O. 1990, c. H.19, s. 2(1); 1999, c.6, s.28(2);2001, c.32,s.27(1); 2005, c.5,s.32(2)

**Harassment in accommodation**

(2) Every person who occupies accommodation has a right to freedom from harassment by the landlord or agent of the landlord or by an occupant of the same building because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, disability or the receipt of public assistance. R.S.O. 1990, c. H.19, s. 2(2); 1999, c.6, s.28(3);2001, c.32,s.27(1); 2005, c.5,s.32(3)

**Employment**

5. (1) Every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, disability or the receipt of public assistance. R.S.O. 1990, c. H.19, s. 5(1); 1999, c.6, s.28(5);2001, c.32,s.27(1); 2005, c.5,s.32(5)

**Harassment in employment**

(2) Every person who is an employee has a right to freedom from harassment in the workplace or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, disability or the receipt of public assistance. R.S.O. 1990, c. H.19, s. 5(2); 1999, c.6, s.28(6);2001, c.32,s.27(1); 2005, c.5,s.32(6)

**HARASSMENT**

Harassment means improper comment or conduct that a person knows or ought to know would be unwelcome, offensive, embarrassing or hurtful.

Staff and tenants:

- Must not exert or attempt to exert undue or inappropriate influence on staff or tenants or behave in a manner that may reasonably be perceived as intimidating or threatening.
- Must not influence outcomes with threats, bribes or inducements.
- Must NOT behave in an abusive way towards other staff and tenants. For example:

## MEADOWGREEN CO-OP

### ACCOMMODATION POLICY AND PROCEDURE

1. Meadowgreen Co-op does not discriminate on the basis of race, color, religion, national origin, ancestry, sexual orientation, age, familial status, or physical or mental disability in the access or admission to its programs or employment or in its programs, activities, functions or services.
2. Meadowgreen co-op will make a reasonable accommodation for people with disabilities when an accommodation is necessary to insure equal access to **the co-op**, its amenities, services and programs. Accommodations include changes to the building, grounds or an individual unit and changes to policies, practices and procedures.
3. Accommodations will be made up to the point of structural infeasibility, undue financial and administrative burden or requiring changes fundamental to the co-op. If **Meadowgreen Co-op** cannot afford the full cost of an accommodation, Meadowgreen Co-op will meet with the member to determine the best way to use the funds that are available to address the barrier.
4. Notice of the right to accommodation shall be posted in the management office(s) and included with all applications.. Such a notice will also be included in the members' Handbook and other relevant resident publications. Such notices shall be in large print and posted or included in a manner that is readily seen by persons with all disabilities. Such notices will also be available in other formats for persons who cannot read them.
5. Accommodation requests will be processed in the order in which necessary documentation is received.

## PROCEDURES

1. Applicants or members may make Accommodation requests at any time, all requests must be in writing.
2. All requests will be processed by **staff and forwarded to the Board of Directors.**
3. When the disability and/or need is not obvious or known to staff, requests will require verification of disability status, need for equal access, and/or when relevant, likelihood that the request will resolve problem.
4. When documentation is necessary, **Meadowgreen Co-op** reserves the right to require documentation on a verification of need and release form. Documentation must come from a reliable source with sufficient professional and personal knowledge of the applicant/member to answer the applicable questions.
5. Management has the right to sufficient documentation to make a decision, but does not have a right to diagnosis, medical history or treatment unless directly relevant to a reasonable accommodation request, for example chemical sensitivity to certain materials.
6. **The Board of Directors of Meadowgreen co-op** will approve or disapprove an accommodation request as soon as possible, but within **10** working days if there is no verification required or within **10** working days of receiving sufficient verification to make a decision.
7. NOTE: In some complex cases, a meeting with applicant/member, and any service providers or other technical assistance sources may be the best way to identify the best solution. Applicants or members may bring anyone they consider helpful to such a meeting. Such meetings will be arranged as soon as possible at a mutually agreeable time for all participants.
8. If the applicant/member meets the eligibility definition and the necessity and likely effectiveness of an accommodation is known or documented,

the manager will implement the change as soon as possible, but no later than **10** working days from the time of the decision or as soon as is reasonably possible for items requiring bids, construction, special equipment, etc. Management will notify applicant/member of reasons for delay and estimated completion time for such requests.

9. If the Board of Directors of **Meadowgreen co-op** finds that the request is not structurally feasible or requires a fundamental change in the nature of the program, management will give applicant/member a written explanation and will discuss and carry out any reasonable alternatives that do not require an undue financial and administrative burden or a fundamental change in the nature of the project.
10. If a reasonable accommodation request is denied for any reason, staff will notify applicant and will include in the denial notification a written or alternate format notice of the right to a grievance hearing and the procedures for requesting one. If an applicant/member disagrees with an accommodation decision, they may request a grievance hearing by asking in writing or some alternate format within **10** working days of receiving the decision.

President

  
\_\_\_\_\_

Secretary

  
\_\_\_\_\_

Date

FEB 23 2011

Date

Feb. 23, 2011

Approved by the Membership on

May 18, 2011



## **MEADDOEGREEN CO-OP**

### **BARRIER PREVENTION, REVIEW AND REMOVAL PLAN.**

The purpose of this plan is to identify, remove and prevent barriers faced by persons with disabilities.

NOW THEREFORE, Meadowgreen Co-op enacts as follows:

1. That the Accessibility Plan attached hereto as Appendix "A" of this plan is hereby adopted;
2. That when needed, Meadowgreen Co-op will review the plan to make such changes as are considered appropriate.

## **Appendix "A"**

### **MEADOWGREEN CO-OP**

#### **Accessibility Plan**

##### **Summary**

The purpose of the Ontarians with Disabilities Act, 2001 (ODA) is to improve opportunities for people with disabilities and to provide for their involvement in the identification, removal and prevention of barriers to their full participation in the life of the Province. To this end, the ODA mandates that each Housing Provider prepare an accessibility plan.

This is the first year plan (2010) prepared by the Property Manager and the Maintenance Coordinator. The report describes the measures the co-op will take during the upcoming year to identify, remove and prevent barriers to people with disabilities who live in the Co-op including staff and members of the community at large.

We identified barriers to people with disabilities. The most significant findings were that the common area is not fully wheelchair accessible. Over the next year, the working group recommends focusing on those barriers, which deny access to the common area on a day-to-day basis.

##### **AIM**

This report describes the measures that Meadowgreen C-op is taking to identify, remove and prevent barriers to people with disabilities who live in the co-op, including staff and members of the community at large.

## **OBJECTIVES**

This report:

1. Describes the process by which Meadowgreen Co-op will identify, remove and prevent barriers to people with disabilities.
2. Review past efforts to remove and prevent barriers to people with disabilities.
3. Describe the measures the municipality will take in the coming years to identify, remove and prevent barriers to people with disabilities
5. Describe how the co-op will make this accessibility plan available to the public.

### **Recent Barrier Removal Initiatives**

Sidewalks have access ramps to allow those with disabilities access to our sidewalks.

### **Barrier Identification Methodologies**

#### **Methodology Description Status**

Survey to Staff was given to help identify any barriers at Meadowgreen Co-op

#### **Barriers Identified-**

Staff who completed the survey identified the barriers listed below. Over the next year ~~co-op~~ will have to decide which barriers should be addressed each year keeping in mind budget restraints and feasibility. In the Survey we also identified the barriers we felt are the top priority

Doors physical / architectural: install automatic door openers at main entrance of common area facility

#### **Barriers to be addressed in 2011**

The first barrier that should be addressed is making the common area accessible to those with disabilities by installing an automatic door system to replace the main door of the common area/office.

### Review and Monitoring of the Process

Meadowgreen co-op is committed to following through with this plan. This plan will be reviewed, as needed thus allowing staff and the public to monitor the barriers identified and the direction to which the co-op is moving to remove all barriers under the Ontarians With Disabilities Act.

### Communication of the Plan

This plan will be available at the co-op's office, we will forward a copy to each person whom called and dropped in with his or her comments on barriers they identified to our Property Manager. A copy of the plan will also be forwarded to Niagara Regional Housing.

President



Secretary



Date

FEB 23 2011

Date

Feb. 23, 2011

Approved by the Membership on

May 18, 2011

**MEADOWGREEN CO-OP**

**Formal Complaint Procedure**

Meadowgreen Co-op has a continuing responsibility to monitor and address ADA compliance issues. Complaints should follow the procedure as indicated. The following internal procedure provides for prompt and equitable resolution of complaints. Complaints should be directed to the on site Property Manager.

1. A complaint should be filed in writing, contain the name and address of the person filing it, and briefly describe the alleged violation. Upon receipt of the written notice of complaint, the Property Manager shall acknowledge receipt within five workdays.
2. A complaint should be filed within 180 days after the complainant becomes aware of the alleged violation.
3. An investigation, as may be appropriate, shall follow a filing of complaint. Management shall conduct the investigation. This internal complaint procedure involves an informal but thorough investigation, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
4. Management shall issue a written determination as to the validity of the complaint and a description of the resolution, and a copy forwarded to the complainant.
5. The Property Manager shall maintain the files and records relating to the complaints filed.
6. The complainant can request a reconsideration of the case in instances where the person is dissatisfied with the resolution. The request for reconsideration should be made within 15 workdays to the Property Manger.
7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a discrimination complaint with the responsible federal department or agency. Use of this complaint procedure is not a prerequisite to the pursuit of other remedies.

These rules shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards, and to assure that Meadowgreen Co-op complies with the ADA and implementing regulations.

President



Secretary



Date

FEB 23 2011

Date

Feb. 23, 2011

Approved by the Membership on

May 18, 2011

## MEADOWGREEN CO-OP

### Ontario Human Rights Code & Duty to Accommodate **Human Rights Policy (Anti-Harassment and Anti-Discrimination)**

*Meadowgreen Co-op provides for a working and living environment which is free of any form of harassment or discrimination on the grounds protected under Part I – Freedom of Discrimination detailed under the following sections:*

#### **Accommodation**

Every person has a right to equal treatment with respect to the occupancy of accommodation, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, disability or the receipt of public assistance.

#### **Harassment in accommodation**

Every person who occupies accommodation has a right to freedom from harassment by the Housing Provider or agent of the Housing Provider or by an occupant of the same building because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, disability or the receipt of public assistance.

#### **Employment**

Every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, disability or the receipt of public assistance.

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Every person who is an employee has a right to freedom from harassment in the workplace or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, disability or the receipt of public assistance.

#### **HARASSMENT**

Harassment means improper comment or conduct that a person knows or ought to know would be unwelcome, offensive, embarrassing or hurtful.

Staff and members:

Must not exert or attempt to exert undue or inappropriate influence on staff or members or behave in a manner that may reasonably be perceived as intimidating or threatening.

Must not influence outcomes with threats, bribes or inducements.

Must NOT behave in an abusive way towards other staff and members.

For example:

- initiating or spreading hurtful rumours,
- swearing at someone (includes obscene language, name calling, hand gestures),
- using insulting behaviour (includes both words and gestures),
- electronic or physical display of pornography,
- making physical threats,
- assaulting someone physically or sexually,
- creating unwanted sexual attention,
- making threatening gestures or remarks

## **DISCRIMINATION**

Discrimination is any practice of behaviour, whether intentional or not, which has a negative effect on an individual or group based on prohibited grounds (for example, disability, gender, race, receipt of public assistance, sexual orientation) unrelated to the person's abilities or objective considerations relating to the decision that is to be made. Discrimination may arise as a result of direct or differential treatment or it may arise from the unequal treatment effect of treating individuals or groups in the same way.

Staff and members:

Must respect the dignity and rights of all staff and members,  
Solicit input from all language groups represented within both staff and members,  
Hold staff meetings and members meetings in locations that are accessible to staff and members with disabilities and where facilities permit,  
Accommodating interpreters and staff and members who rely on them with appropriate seating arrangements and pacing of communication.

## **VIOLATION OF THE HUMAN RIGHTS POLICY**

### Reporting Violations of the Human Rights Policy

It is the responsibility of everyone to ensure that standards of conduct are implemented and maintained, and to seek remedies when standards are violated using established channels.

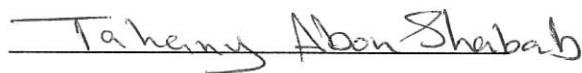
### Consequences

Violation may result in either the dismissal of staff or eviction proceedings against a member. In certain circumstances, violators of the Human Rights Policy may also be violators of legislation, which could result in other sanctions as dictated by law (e.g. violation of the *Ontario Human Rights Code Amendments – Bill 137*).

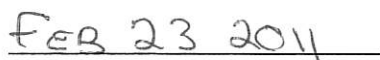
President



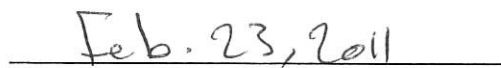
Secretary



Date



Date



Approved by the Membership on

