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E-LEARNING VIDEOS AVAILABLE AT:

Ontario Human Rights Commission at www.ohrc.on.ca

Please note that alternative formats of this brochure are available upon request, please contact the City of Kitchener / City of Waterloo's Inclusion Services at 519-741-2200 x 7226. TTY -1-866-969-9994



INCLUSION SERVICES
AT YOUR SERVICE
THE ONTARIO HUMAN RIGHTS CODE – DUTY TO ACCOMMODATE



A brief overview of accessibility legislation

The Accessibility for Ontarians with Disabilities Act (AODA) and the Ontario Human Rights Code (the Code) are provincial legislation that promote equality and accessibility. The Code ensures that people with disabilities are free from discrimination at their place of employment, where they live and where they receive services. The AODA establishes accessibility standards that public sectors, governments and organizations must achieve. Under the Integrated Accessibility Standards Regulation (IASR) it is required that all staff and volunteers receive training on the human rights code, duty to accommodate. The human rights principles in the Code serve as the guiding foundation for the AODA standards.



Inclusive programming



Using assistive technology

What is disability?

The Code and the AODA are both provincial laws and together use the same definition of disability. "Disability" covers a broad range and degree of conditions, some visible and some invisible. A disability may have been present from birth, caused by an accident or developed over time. Some examples of disabilities are brain injury, chronic illness or medical disabilities, developmental or intellectual disabilities, learning disabilities, mental health disabilities, physical disabilities, sensory disabilities etc.

The Duty to Accommodate

Although inclusive design principles are used when building or renovating facilities and developing services, there may be circumstances where you may need to accommodate the individual needs of some people with disabilities. As a service provider (staff/volunteers) of the city, under the Code, you have a legal “duty to accommodate” people with disabilities.

The goal of accommodation is for people with disabilities to equally benefit from, and take part in, city services or services that are provided on behalf of the City (e.g. by affiliated organizations, volunteers, contractors). This also includes accommodations in the workplace or accommodation for volunteers.

Accommodation is a shared responsibility. Everyone is involved, including the person asking for the accommodation. We work together to develop accommodation solutions.

There is not one single accommodation solution for every person. Some accommodations can benefit many people, however, we must consider the individual’s unique needs when a person asks to be accommodated. A solution for one person may not work for another.



Using braille to access elevator



One-to-one support at one of our recreational programs

Examples of accommodations

- Providing print material (ie. flyers, brochures, meeting agendas, meeting minutes) in alternative formats including large print, plain text version, on different coloured paper, braille, audio etc.
- Providing sign language interpreters or real time captioning for persons who are deaf, deafened or hard of hearing at a public meeting.
- Flexibility in work hours or break times for city employees or city volunteers
- In some cases, changing job duties, assigning a person to another job
- Welcoming support persons to assist persons with disabilities at meetings, programs, events etc..

Many accommodations can be easily made at a reasonable cost. Try to arrange for the accommodation in advance and in partnership with the person with the disability.

Accommodation Success! Here are some suggestions on how to ensure success

- Accept requests for accommodation from employees, volunteers and clients in good faith
- Ask only for information that you need to make the accommodation (For example, you would need to know that an individual's loss of vision prevents them from reading printed material, but you do not need to know they have been diagnosed with diabetes)
- Take an active role in determining accommodation solutions that are individualized in partnership with the person with the disability. For example, ask the person with the disability how to best accommodate them and, how have they been accommodated in the past. It is highly likely that the person will provide you with a variety of accommodation suggestions.
- Respond to the accommodation requests as quickly as possible. This may require you to create a temporary solution while you develop a long-term plan.
- If you are not sure how to meet the request, please speak to your supervisor for assistance.
- Respect the dignity of the person asking for the accommodation and keep information confidential.
- The City or organization receiving the accommodation request is responsible for the financial costs associated.



Support through American Sign Language interpreters

Key learning principles

- As a service provider you have a legal duty to accommodate
- The Code and the AODA are laws that work together
- The Code protects every person's right to equal opportunities and to be free from discrimination
- The Code has primacy, which means that Ontario laws (with a few exceptions) have to follow the Code
- The Code states that there is a legal duty to accommodate people with disabilities
- The AODA accessibility standards complement the Code to promote equality and accessibility in Ontario
- The AODA uses the same definition of disability as the Code
- If the two conflict, then the Code prevails
- Applying human rights principles and Code obligations may help in meeting the AODA standards
- The AODA standards do not replace or limit the Code or any other law