NiagaraFalls
CANADA

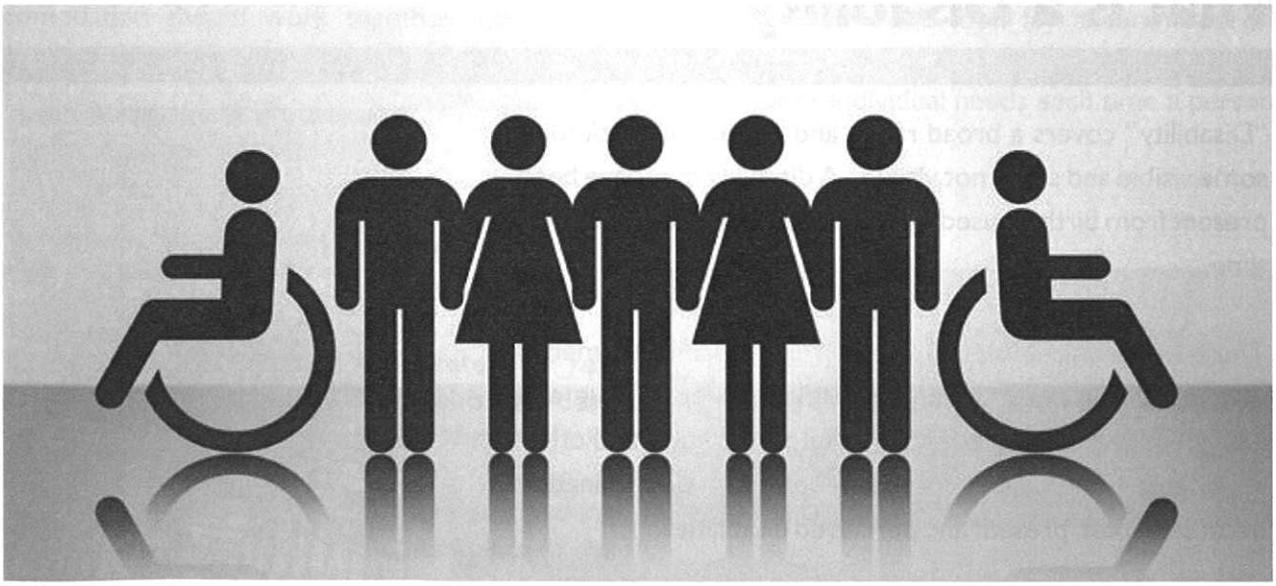
Disability and Human Rights



Ontario

Ontario
Human Rights Commission

Commission ontarienne des
droits de la personne



www.niagarafalls.ca

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 memberships in unions, trade or professional associations. The Code requires organizations (including landlords, employers and service providers) to accommodate people with disabilities to the point of undue hardship.

THE AODA AND HUMAN RIGHTS CODE

Employment

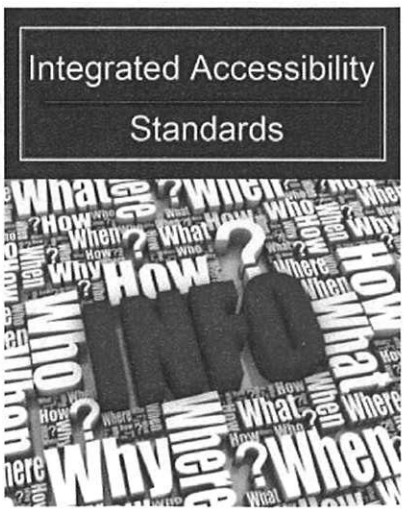
- At work, employees with disabilities are entitled to the same opportunities and benefits as people without disabilities. In some cases, they may need special arrangements or "accommodations" so they can do their job duties. Customers, clients and tenants with disabilities also have the right to equal treatment and equal access to facilities and services.

  Examples
  Examples of facilities and services are restaurants, shops, hotels and movie theatres, as well as apartment buildings and other public facilities and places. Public and private educations providers must also make sure their facilities and services are accessible, and that students with disabilities are accommodated.

What is a 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.



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.



It is also helpful to have accessibility policies and a complaint procedure. These steps will help remove existing barriers and avoid making new ones. The City of Niagara Falls Human Resources Department has created Accessibility Policies on Accessible Customer Service (Policy # 400.34) and AODA Integrated Accessibility Standard Policy (Policy # 400.36). Please refer to these policies for more details.

The Duty to Accommodate

- Even when facilities or services are designed as inclusively as possible, organizations may still need to accommodate the individual needs of some people with disabilities. Under the Code, organizations have a Legal "**DUTY TO ACCOMMODATE**", persons with disabilities. The goal of accommodations 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, one still needs to consider individual needs each time a person asks to be accommodated.

Examples of Accommodations

- Providing reading materials in alternative formats including digital 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.



Undue Hardship



- The Code has three considerations when assessing whether an accommodation would cause undue hardship. These three Considerations include:
    1. **Cost**
    2. **Outside Sources of Funding; and**
    3. **Health and Safety**

Costs will amount to undue hardship if they are quantifiable, shown to be related to the accommodation, and so substantial that they would alter the essential nature of the enterprise, or so significant that they would substantially affect its viability. The availability of **outside sources of funding** may also alleviate accommodation costs. Organizations can make use of outside resources to meet their duty to accommodate and must first do so before claiming undue hardship. And lastly, organizations have a responsibility to undertake health and safety precautions that would ensure the health and safety risks in their facilities or services are no greater for persons with disabilities than for others. Where a **health and safety** requirement creates a barrier for a person with a disability, the accommodation provider should assess whether the requirement can be waived or modified.

Many accommodations can be made easily, and at a 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.

Tips to Accommodate

- **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 for only 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 materials, 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.

I have read and understood the City's Disability & Human Rights training brochure.

Name: _____

Date: _____

Signature: _____

FOR MORE INFO. - 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