Focus on accommodation

In human rights terms, the word “accommodation” is used to describe the duties of an employer, service provider or landlord to give equal access to people who are protected by Ontario’s Human Rights Code (Code).

The duty to accommodate recognizes that people have different needs and require different solutions to gain equal access to services, housing and employment.

To accommodate someone means to remove the barriers that block their access to jobs, housing, and to the use of goods, services and facilities (e.g. public transit or schools).

**Ontario’s Human Rights Code**

All Ontarians have the right to equal access to employment, housing and services without discrimination. This includes the right to have special needs accommodated and barriers removed if related to:

- Race, colour, ancestry, place of origin, citizenship, ethnic origin
- Creed (religion)
- Receipt of public assistance (ODSP, OW, EI)
- Marital status and family status
- Age
- Disability (visible or invisible)
- Gender or sex (including pregnancy)
- Gender identity and expression.

**FAST FACTS**

- **79% of our telephone inquiries involve employment**
- **64% of inquiries involve disability**

Do you have Code-related needs that have not been accommodated?

The Human Rights Legal Support Centre may be able to help you.

The Centre provides a range of free legal services including:

- Legal advice;
- Negotiation on your behalf with your employer, landlord or service provider; and
- Representation at a mediation or hearing before the Human Rights Tribunal.

**About Us**

The Human Rights Legal Support Centre offers legal services to people across Ontario who are discriminated against under Ontario’s Human Rights Code.

**Contact Us**

Toll-free: 1-866-625-5179
TTY: 1-866-612-8627
www.hrlsc.on.ca
What’s the bottom line on accommodation?

Accommodation will be different for each person. What is appropriate and helpful for one person may not meet the needs of another person, even if, for example, he or she has the same medical condition. The kind of accommodation required will vary according to each person’s needs and these needs must be considered and assessed individually.

How do I get the accommodation I need?

There are a number of steps you should take in order to be clear about your needs:

- Ask for what you need to accommodate your needs and explain why;
- Provide information that is directly relevant to your limitations (this can include medical information if directly related to your request for accommodation);
- Participate in discussions about possible solutions that meet your needs;
- Take notes about how the organization is responding to your requests, including names of people, dates and times.

What are some examples of the duty to accommodate?

The kind of accommodation that is required will depend on the particular circumstances. Some examples of accommodation could include:

- Building a wheelchair accessible ramp;
- Allowing an employee to have flexible work hours or break times;
- Providing sign language interpreters;
- Job restructuring, retraining or assignment to an alternative position;
- Allowing a student with a disability to have extra time to complete assignments.

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### Call us

- Toll-free telephone and TTY access anywhere in Ontario
- Staff can provide service in over 10 languages; immediate interpretation is available in 140 languages
- Calls can be made by an individual or with the assistance of a community or advocacy organization
- Interviews with lawyers are arranged with the assistance of a Human Rights Advisor
- If a person has a visible or invisible disability, accommodation is provided.

1-866-625-5179  
TTY 1-866-612-8627

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### Are you an employee in a union?

If you are in a union, it is a good idea to contact your union representative. Your union will often have good advice about your employer’s procedures for getting accommodation.
The Centre tries to change the future practices of employers, landlords and service providers when negotiating settlements. Here are some of our successful outcomes relating to accommodation.

Examples of accommodation at work

**Accommodating disabilities**

A woman applied for a job with an agency that assists people with disabilities. She has a muscular condition and requires a wheelchair. The employer told her they did not think she could physically do the job after her interview.

The Centre negotiated an agreement where the organization agreed to complete staff training on human rights and disability issues. The in-person training was to include the Applicant coming to speak first-hand about the impact that the discrimination had on her.

A woman worked as a sales associate for a retailer before she was injured on the job. She went on leave and then returned to work. After two weeks back on the job, she received a series of written warnings for minor issues that she contested. One week later she was fired.

The Centre negotiated with the retailer to develop a guideline on accommodation of employees with disabilities which will be distributed to every staff member in every store in Canada, including corporate office, within 6 months.

**Accommodating family needs**

A long-time sales associate at a large retail operation had custody of five grandchildren. Her work schedule was set to accommodate her family’s needs until a new manager came into the store. The new manager insisted that she make herself available seven days per week. When she refused, her hours were cut drastically and there were hints she might be fired.

The Centre negotiated with the store and first got her back into almost full time work with a schedule that allowed her to meet her parenting obligations.

**Accommodation in housing**

A man with an acquired brain injury had an acute hypersensitivity to noise. He asked his social housing landlord to transfer him to a quieter apartment and they refused.

The Centre negotiated with the landlord and reached an agreement to transfer the man to the first available unit that met his needs. The landlord also agreed to review their transfer policy and take human rights training.

**Accommodation in services**

A college student with limited vision had carefully explained to the school administration what he needed to be able to participate equally in class, including getting materials in advance and taping lectures. One of the professors refused to be taped and frequently failed to provide materials in advance.

The Centre negotiated a settlement in which the college agreed to provide materials in an electronic format accessible to visually impaired students, as well as agreeing to give human rights training to all of the college’s staff.

**Simpson v. JB & M Walker (Tim Hortons)**

Ms. Simpson needed temporary modifications to her job at Tim Hortons after experiencing two work-related injuries. The employer became impatient and demanded that she return to her pre-injury job, but she insisted on following her doctor’s advice. The employer then implied she was faking her injuries. The Centre represented Ms. Simpson at a hearing.

The Tribunal ordered $15,000 as compensation for the loss of the right to be free from discrimination and $13,896 for lost wages.
Ontario's human rights system is made up of three separate agencies.

- The **Human Rights Tribunal of Ontario** is where human rights applications are filed and decided.
- The **Human Rights Legal Support Centre** gives legal help to people who have experienced discrimination under the Ontario *Human Rights Code*.
- The **Ontario Human Rights Commission** focuses on public education, awareness and policies respecting human rights.