



Social Services Department Housing Services

Policy Name: Duty to Accommodate **Policy Catalogue #** HS 2019-PA 24

Department: Social Services **Approved by:** Director of Housing

Approval Date: October 15, 2019 **Signature:** *Harry Blinkhorn*

1.0 PURPOSE

The purpose of this policy is to provide guidance on the accommodation process that all staff may take to support, as much as possible, the full and equitable participation of applicants and tenants who are Code-protected in the activities of the County of Wellington, Housing Services (“the County”) and to support successful tenancies.

2.0 REVISION HISTORY

N/A

3.0 POLICY

The County is committed to providing an environment that is inclusive and that is free of barriers based on Code-protected grounds and to provide accommodation for needs related to the grounds of the Ontario Human Rights Code, unless to do so would cause undue hardship.

Accommodation will be provided in accordance with the principles of dignity, individualization, and inclusion. The County will work co-operatively, and in a spirit of respect, with all partners in the accommodation process.

Accommodation requests are assessed and delivered on an individual basis for people who make their needs known or where accommodation needs can be easily established.

The duty to accommodate is a shared responsibility and everyone involved should co-operatively engage in the process, share information and work together towards potential accommodation solutions.

Accommodation is a process and is a matter of degree, rather than an all-or-nothing proposition, and can be seen as a continuum.

3.0.1 REQUESTS FOR ACCOMMODATION

Written requests for accommodation are preferred. Where this requirement may prevent the individual requesting accommodation from participating in the accommodation process, assistance will be provided by staff or a referral will be made to a community based resource. All accommodation requests will be taken seriously, regardless of the format of the request.

The County will maintain the confidentiality of information related to an accommodation request, and will only disclose this information with the consent of the individual requesting accommodation.

All requests for accommodation must be referred to a Manager for initial review.

Once a request has been documented, staff will meet with the individual to review the requested accommodation and review the roles of both parties in the accommodation process. This follow up with the individual will occur within twenty (20) working days of receiving request.

Staff will document all interactions with all stakeholders in a clear and concise manner and will file these notes, in addition to any supporting documentation.

3.0.2 SUPPORTING DOCUMENTATION

The individual seeking accommodation may be asked to provide medical information that supports their request. This information should include: that the individual has a disability, the limitations or needs associated with the disability, whether the persons can perform essential duties of being a tenant with or without accommodation, and the type of accommodation(s) that may be needed to allow the person to fulfill the essential duties of being a tenant.¹

Further, where more information about a person's disability is needed, the information requested must be the least intrusive of the person's privacy while still giving the organization enough information to make an informed decision about the accommodation.

If the County requests additional medical information and the individual fails to provide the information, it may delay the provision of accommodation.

3.0.3 APPROPRIATE ACCOMMODATION

Appropriate accommodation(s) may include: changes to organizational policies and practices, technical aids, human support, providing materials in alternative formats, building modifications, counselling and referral services, etc.

Once an appropriate accommodation has been discussed by both parties, the individual requesting accommodation will be notified of the accommodation(s) and staff will file a copy of the letter.

¹ Ontario Human Rights Commission. (2019). Policy on ableism and discrimination based on disability (Publication No. 978-1-4606-8612-6 (PDF)). Retrieved from www.ohrc.on.ca

If staff and the individual requesting accommodation are unable to cooperatively identify an appropriate accommodation(s), the matter will be referred to the Director of Housing for follow up.

4.0 DEFINITIONS

“Appropriate accommodation” is one that most respects the dignity of the individual with a disability, meets individual needs, best promotes integration and full participation, and ensures confidentiality. If the accommodation meets the individual’s needs and does so in a way that most respects dignity, then a determination can be made as to whether or not this “most appropriate” accommodation would result in undue hardship.²

“Barriers” may be a part of the physical or built environment which limits or prevents the accessibility of a space. A barrier may also be a policy, procedure, or requirement that excludes individuals or groups from fairly and equally accessing a good, service, or resource.

“Code-protected grounds” means the grounds upon which the discrimination of individuals or groups is prohibited under the Human Rights Code, 1990. As of 2019, prohibited grounds for discrimination include Race, ancestry, place of origin, colour, ethnic origin, citizenship, creed (i.e. religion), sex, sexual orientation, age, marital status, family status, disability (includes mental health, addiction and physical), gender identity, gender expression, the receipt of public assistance (housing only), record of offences (employment only).

“Continuum” for the purposes of accommodation, means that accommodation is a matter of degree rather than an all-or-nothing proposition. At one end of this continuum would be full accommodation that most respects the person's dignity. Next is phased-in accommodation over time, followed by the most appropriate accommodation only being implemented once sufficient reserve funds have been set aside. Alternative accommodation (that which would be less than “ideal”) might be next on the continuum when the most appropriate accommodation is not feasible. Alternative accommodation might also be accomplished at a later date if immediate implementation would result in undue hardship. Or, alternative accommodation might be implemented as an interim solution while the most appropriate accommodation is being phased in or implemented at a later date.³

“Dignity” means, everyone is treated in a respectful manner.

“Individualization” means, services, opportunities, programmes, and facilities for persons facing barriers will support their independence while respecting their right to safety and personal privacy.

² Ontario Human Rights Commission. (2000, updated 2009). *Policy and guidelines on disability and the duty to accommodate*. (Publication No. 0-7794-0687-7). Retrieved from www.ohrc.on.ca

³ Ontario Human Rights Commission. (1996, updated 2013). *Guide to developing human rights policies and procedures* (978-1-4606-3407-3 (PDF)). Retrieved from www.ohrc.on.ca

“Inclusion” means eliminating barriers for people and ensuring that all tenants fully benefit from the same programmes, services, opportunities, and facilities equally.

“Undue hardship” is dependent on the circumstances of the accommodation being explored. There are three factors that may be considered when assessing whether an accommodation would cause undue hardship:

- the cost;
- the presence of outside sources of funding, if any; and,
- health and safety requirements for other tenants and staff, if any.

Only when those three criteria have been considered can an individual or group decline the accommodation of another individual or group.

5.0 APPLICATION

The duty to accommodate rule comes into effect on the policy approval date.

The duty to accommodate rule will apply to all current and future households in units owned or managed by the County of Wellington, CMSM.

6.0 RELEVANT LEGISLATION & POLICY

Accessibility for Ontarians with Disabilities Act, 2005

Ontario Human Rights Code



Alternative Formats Available Upon Request