THE CORPORATION OF THE TOWN OF RENFREW

MULTI-YEAR ACCESSIBILITY POLICY AND PLAN

2013 - 2017

This publication can be made available in alternative formats
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Statement of Organizational Commitment

The Town of Renfrew is committed and guided by the four core principles of **dignity, equal opportunity, integration, and full integration** outlined in the *Accessibility for Ontarians with Disabilities Act, 2005* and supports the needs of persons as set out in the Accessible Customer Service Standard. The Town of Renfrew shall use every effort to ensure that we meet the needs of people with disabilities, in a timely manner, through the implementation of this policy.

The Corporation of the Town of Renfrew is committed to:

- The continual improvement of access to all municipally owned facilities, premised and services for all those with disabilities
- The provision of quality services to all members of the community with disabilities
- The organization’s strategy to prevent and remove barriers and meet its requirements under the Regulation

Description of the Town of Renfrew

The Town of Renfrew is located in Eastern Ontario, less than an hours drive from Canada’s capital. The Town of Renfrew is bordered by the Township of Horton and the Township of Admaston/Bromley. The Town of Renfrew has a population of approximately 7,846 (2006 census) with about 3,700 households. It is a beautiful four-season destination with marvelous attractions in town and nearby. Renfrew is strategically located on the TransCanada Highway, approximately 100 km west of Ottawa, with easy access to Montreal, Toronto, Windsor, North Bay and Algonquin Park. It is the commercial hub of the area, serving a rural and small town population base of over 30,000 in Eastern Ontario and Western Quebec. Founded in the mid 1800's, the Town of Renfrew is steeped in heritage and tradition. As the geographical hub of Renfrew County, the Town of Renfrew is a natural starting point for miles of travel adventure. Thrilling whitewater rafting, golfing, swimming, boating, fishing and skiing are only some of the activities that can be found in and around the Renfrew area.

The Town of Renfrew has a Municipal Complex, Fire Hall, Library, Recreation Centre, Arena/Hall Complex (Ma-Te-Way), Public Works Garage, Water Filtration Plant and Pollution Control Plant. The Town also has numerous parks and other facilities which serve the public needs.
Accessibility Policy

This policy has been drafted in accordance with the Regulation and addresses how the Town of Renfrew achieves accessibility through meeting the Regulation’s requirements. It provides the overall strategic direction that we will follow to provide accessibility supports to Ontarians with disabilities. The requirements of the Regulation include:

- Establishment, implementation, maintenance and documentation of a multi-year accessibility plan, which outlines the Town of Renfrew’s strategy to prevent and remove barriers and meet its requirements under this Regulation;
- The incorporation of accessibility criteria and features when procuring or acquiring goods, services, or facilities;
- Training; and
- Specific requirements under the Information and Communication Standards, the Employment Standards; and the Transportation Standards

This policy is supported by procedures/departmental policies which outline the detailed processes and accommodations pursuant to this policy. The supporting policies/procedures include the following:

- The Corporation of the Town of Renfrew Procurement Policy and Procedural By-Law
- The Corporation of the Town of Renfrew Human Resources Policy/Procedures

Definitions

- “Accessible Formats” may include, but are not limited to, large print, recorded audio and electronic formats, Braille and other formats usable by persons with disabilities
- “Communications” means the interaction between two or more persons or entities, or any combination of them, where information is provided, sent or received
- “Communication supports” may include, but are not limited to, captioning, alternative and augmentative communication supports, plain language, sign language and other supports that facilitate effective communications
- “Large Designated Public Sector” means a designated public sector organization with 50 or more employees
- “Mobility Aid” means a device used to facilitate the transport, in a seated posture, of a person with a disability
- “Mobility Assistive Device” means a cane, walker or similar aid
Management Requirements - General

1) Accessibility Plans

I. The multi-year Town of Renfrew Accessibility Plan ("the plan") outlines a phased-in strategy to prevent and remove barriers and addresses the requirements under the regulation;

II. The plan will be posted on the website, and will be provided in alternate formats upon request;

III. The plan will be reviewed and updated at least once every five years;

2) Procuring or acquiring goods, services or facilities

I. The Town of Renfrew will use accessibility criteria and features when procuring or acquiring goods, services or facilities except where not practicable to do so

II. Where it is not practicable to incorporate accessibility criteria and features when procuring or acquiring goods, services or facilities, the Town of Renfrew will provide, upon request, an explanation.

3) Training

I. The Town of Renfrew will ensure training is provided on the requirements of the Accessibility Standards referred to within the Integrated Accessibility Standards (Ontario Regulation 191/11) and on the Human Rights Code as it pertains to persons with disabilities to:

   a. All employees and volunteers;
   
   b. All persons who participate in developing organization’s policies; and
   
   c. All other persons who provide goods, services or facilities on behalf of the organization

II. The training provided is appropriate to the duties of employees, volunteers and other persons.

III. Training is provided as practicable to employees, volunteers and other persons.

IV. Where there are changes to the Integrated Standards Accessibility Policy, training will be provided with regard to those changes.

V. The Town of Renfrew will maintain a record of the dates of when training is provided and the number of individuals to whom it was provided.
4) Feedback

I. The Town of Renfrew Customer Feedback process is accessible to persons with disabilities and does provide or arrange for the provision of accessible formats and communication supports upon request.

II. The public will be notified regarding the availability of accessible formats and communication supports.

5) Accessible Formats and Communication Supports

I. The Town of Renfrew will, upon request, provide or arrange for the accessible formats and communication supports for persons with disabilities:
   a) In a timely manner that takes into account the person’s accessibility needs due to disability, and;
   b) At a cost that is no more than the regular cost charged to other persons.

II. The Town of Renfrew will consult with the person making the request and determine suitability of an accessible format or communication support.

III. The Town of Renfrew will notify the public about the availability of accessible formats and communication supports.

6) Emergency procedure, plans or public safety information

I. Where the Town of Renfrew prepares emergency procedures, plans or public safety information and makes that information available to the public, the information will be in an accessible format or with appropriate communication supports, as soon as practicable, upon request.

7) Accessible websites and web content

I. The Town of Renfrew’s new internet, intranet websites and web content on those sites conforms with the WCAG 2.0 Level AA, with the following explanations:
   a) Success criteria 1.2.4 Captions (Live) and success criteria 1.2.5 Audio Descriptions (pre-recorded) are exceptions - due January 1, 2020;
   b) All internet websites and web content will comply to the WCAG 2.0 Level AA (with the above exception) by January 1, 2016;
   c) As of January 1, 2020 all internet, intranet and web content will conform with the WCAG 2.0 Level AA;
d) Where websites and web content, including web-based applications, that the Town of Renfrew controls directly or through a contractual relationship that allows for modification of the product, are included in this timeline, where practicable;

e) Where practicable, web content published on a website after January 1, 2012 is included in this timeline.

8) Public Library

I. The Town of Renfrew, through the Renfrew Public Library Board, will ensure that the public is made aware that accessible formats of library materials can be made available when requested.

II. When new library materials are acquired, the accessibility needs of the users will be considered.

Employment Standards

9) Recruitment

I. The Town of Renfrew will notify its employees and the public about the availability of accommodation for applicants with disabilities in its recruitment process;

II. During the recruitment process, applicants who are individually selected to participate in an assessment or selection process, are notified that accommodations are available upon request in relation to the materials or processes used;

III. If a selected applicant requests an accommodation, the Town of Renfrew will consult with the applicant, having regard for the applicants accessibility needs, on the provision of a suitable accommodation;

IV. When making an offer of employment, the Town of Renfrew will notify the successful applicant of its policies for accommodating employees with disabilities.

10) Informing employees of supports

I. The Town of Renfrew will inform its employees of its policies used to support its employees with disabilities, including but not limited to, policies on the provision of job accommodation that take into account an employee’s accessibility needs due to a disability:

   a. New employees will be informed as soon as practicable after they begin their employment
b. Where there are changes to existing policies on the provision of job accommodations, all employees will be provided updated information.

11) **Accessible formats and communication supports**

I. Where an employee requests it, the Town of Renfrew will consult with the employee to provide or arrange for accessible formats and communication supports for:
   a. Information that is needed in order for the employee to perform the employee’s job; and
   b. Information that is generally available to employees in the workplace
   c. At a cost that is no more than regular costs to other employees.

II. The Town of Renfrew will consult with the employee making the request and determine suitability of an accessible format or communication support.

12) **Workplace emergency response information**

I. The Town of Renfrew will provide individualized workplace emergency response information to employees:
   a. Where a disability is such that the individualized information is necessary; and
   b. Where the Town of Renfrew is aware of the needs for accommodation due to the employee’s disability.

II. If an employee with individualized information requires assistance and provides consent, the Town of Renfrew will provide assistance to the employee.

III. Individualized information will be provided as soon as practicable after the Town of Renfrew becomes aware of the need for accommodation due to the employee’s disability.

IV. The Town of Renfrew will review the individualized workplace emergency information:
   a. When the employee moves to a different location in the organization
   b. When the employee’s overall accommodation needs or plans are reviewed
   c. When the employer reviews its general emergency response policies

13) **Documented individual accommodation plans**

I. The Town of Renfrew will prepare a written process for the development of an Individual Accommodation Plan for employees with disabilities if required.
14) Return to work

I. The Town of Renfrew will have a documented return to work process for its employees who have been absent from work due to a disability and require disability-related accommodations in order to return to work.

II. The Town of Renfrew will document and outline steps to facilitate the return to work and include an Individual Accommodation Plan.

15) Performance Management

I. Where the Town of Renfrew uses performance management in respect of its employees, the accessibility needs of employees with disabilities, and individual accommodation plans are taken into account.

16) Career Development and Advancement

I. Where the Town of Renfrew uses career development and advancement in respect of its employees, the accessibility needs of employees with disabilities, and individual accommodation plans are taken into account.

17) Redeployment

I. Where the Town of Renfrew uses redeployment in respect of its employees, the accessibility needs of employees with disabilities, and individual accommodation plans are taken into account.

Transportation

18) Taxicabs

I. The Town of Renfrew will ensure the Transportation Standards make it easier for people to travel in Ontario, including persons with disabilities.

II. Through By-Law Enforcement, the Town of Renfrew will ensure that owners and operators of taxicabs do not charge a higher fare or an additional fee to persons with disabilities or charge a fee for the storage of mobility aids or mobility assistive devices.

III. Through By-Law Enforcement, the Town of Renfrew will ensure that owners and operators of taxicabs display vehicles registration and identification information on the rear of their taxicabs.
19) **Barrier Free Parking**

I. Municipal Parking lots will adhere to the Zoning By-Law with respect to Barrier Free Parking.
Accessibility Plan – Executive Summary

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AIM

This report describes the measures that the Town of Renfrew has taken in past years as well as the measures that the Town will take to identify, remove and prevent barriers to people with disabilities who utilize the facilities and services of the Town, including staff.

Objectives

This report:

1. Describes the process by which the Town of Renfrew will identify, remove and prevent barriers to people with disabilities;

2. Reviews earlier efforts to remove and prevent barriers to people with disabilities;

3. Lists the facilities, policies, programs, practices and services the Town will review in the coming year to identify barriers to people with disabilities;

4. Describes the measures the Town will take in the coming year to identify, remove and prevent barriers to people with disabilities;

5. Describes how the Town will make this accessibility plan available to the public.
Barriers - Recent barrier removal initiatives

The Town of Renfrew has and continues to be sensitive to the importance of barrier removal. Some of the initiatives to date are as follows:

- Installation of automated doors at the Town Hall Complex, Day Care Centre and Renfrew Public Library.
- New sidewalk construction is ramped (curb cuts) to allow for easier mobility of wheelchairs, scooters, etc..
- Audible crosswalks at various locations in town.
- The launch of a corporate website designed to provide a higher level of information and access.
- Talking and big print book availability at the Public Library.
- The placement of highly visible yellow tape on step edges, sidewalks etc. (It has been suggested the tape be replaced with a new product which is more durable and lasting).
- The main office desk has been totally redesigned and replaced to accommodate fluid movement of assistive devices and ease of use.

Informal site audit of the municipally owned buildings

An audit of the municipally owned buildings was completed, in particular to assess any barriers that may exist, and with that any solutions to removing those barriers in order to comply with the current legislation under the Ontarians with Disabilities Act, 2001 and the Accessibility for Ontarians with Disabilities Act, 2005.
Barrier Identification Methodologies

In order to identify barriers the following methodologies are/were used:

<table>
<thead>
<tr>
<th>Methodology</th>
<th>Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request for site audit to all Departments.</td>
<td>A request for site audits was given to all Departments to help identify any barriers to Municipal Services at the Town Hall, Development &amp; Works Department, Fire Hall, Library, and Recreation Facilities.</td>
<td>Audits were completed and results returned by all Departments.</td>
</tr>
<tr>
<td>Annual input sought.</td>
<td>Members of Council, Departments and the General Public are given the opportunity to provide input.</td>
<td>The plan is reviewed annually and amended accordingly.</td>
</tr>
</tbody>
</table>

Barriers Identified

Information from the audit and received annual input have identified the barriers listed below. Over the next several years, Council will continue to decide which barriers will be addressed each year, keeping in mind budget restraints and feasibility; ensuring that continual progress is made to remove and prevent barriers to people with disabilities.

<table>
<thead>
<tr>
<th>BARRIER IDENTIFIED</th>
<th>TYPE OF BARRIER</th>
<th>STRATEGY FOR REMOVAL OR PREVENTION</th>
<th>BARRIER ADDRESSED &amp; ONGOING MAINTENANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ma-Te-Way Activity Centre – 1 Ma-Te-Way Park Drive</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Main Entrance Doors</td>
<td>Architectural/Physical</td>
<td>Install Automatic Door Openers</td>
<td>2014</td>
</tr>
<tr>
<td>Stairs are same colour</td>
<td>Architectural/Physical</td>
<td>Mark with yellow tape or paint</td>
<td>2004/2005 Continue to mark with yellow tape or paint</td>
</tr>
<tr>
<td>Fire Alarm System</td>
<td>Technological</td>
<td>Install an audible and visual system</td>
<td>2014 New Fire Alarm System</td>
</tr>
<tr>
<td><strong>Recreation Centre – 67 Argyle Street South</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Counter in office too high</td>
<td>Architectural/Physical</td>
<td>Re-design and replace counter to allow for improved accessibility</td>
<td>2013 Made accommodations until future upgrades possible</td>
</tr>
<tr>
<td>Issue</td>
<td>Category</td>
<td>Resolution</td>
<td>Status</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Stairs and handrails are not defined with yellow tape or paint</td>
<td>Architectural/Physical</td>
<td>Mark with yellow tape or paint</td>
<td>2014 Continue to mark with yellow tape or paint</td>
</tr>
<tr>
<td>Lower level not accessible</td>
<td>Architectural/Physical</td>
<td>Install an elevator</td>
<td>Not yet completed</td>
</tr>
<tr>
<td>Sinks have turn handles</td>
<td>Architectural</td>
<td>Replace with levered taps</td>
<td>Not yet completed</td>
</tr>
</tbody>
</table>

**Parks/Playgrounds (various)**

<table>
<thead>
<tr>
<th>Issue</th>
<th>Category</th>
<th>Resolution</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access difficult for those with disabilities</td>
<td>Architectural/Physical</td>
<td>Installation of pathways and other modifications to allow for easier access</td>
<td>Not yet completed</td>
</tr>
<tr>
<td>Accessible Playground</td>
<td>Architectural/Physical</td>
<td>Installation of an accessible playground</td>
<td>2014 Horton Heights a playground with accessibility features</td>
</tr>
</tbody>
</table>

**Streets (various)**

<table>
<thead>
<tr>
<th>Issue</th>
<th>Category</th>
<th>Resolution</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sidewalks/curbs too high at intersections</td>
<td>Architectural/Physical</td>
<td>All new sidewalks or sidewalk replacement to follow Ontario Provincial Standards and Specifications</td>
<td>On-going</td>
</tr>
<tr>
<td>Sidewalks/curbs too high at various School Crossings and Courtesy Walks</td>
<td>Architectural/Physical</td>
<td>Replace current infrastructure with depressed curbs/sidewalks</td>
<td>On-going</td>
</tr>
<tr>
<td>Audible Signals at signalized intersections</td>
<td>Technological</td>
<td>All new signals to include audible signals, remaining existing signals to be replaced</td>
<td>On-going</td>
</tr>
</tbody>
</table>

**Town Hall – 127 Raglan Street South**

<table>
<thead>
<tr>
<th>Issue</th>
<th>Category</th>
<th>Resolution</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Doors entering main office heavy and hard to open</td>
<td>Architectural/Physical</td>
<td>Install automatic door openers</td>
<td>2006/2007 Completed</td>
</tr>
<tr>
<td>Town Hall Interior Doors leading to stairwell heavy and hard to open</td>
<td>Architectural/Physical</td>
<td>Install an automatic door opener and levered handle</td>
<td>Not yet completed</td>
</tr>
<tr>
<td>Main Office Counter too high</td>
<td>Architectural/Physical</td>
<td>Re-design and replace counter to allow for improved accessibility</td>
<td>2009 Completed</td>
</tr>
<tr>
<td>Door entering Development &amp; Works Office heavy and hard to open</td>
<td>Architectural/Physical</td>
<td>Install an automatic door opener</td>
<td>Not yet completed</td>
</tr>
<tr>
<td>Development &amp; Works Office counter too high</td>
<td>Architectural/Physical</td>
<td>Re-design and replace counter to allow for improved accessibility</td>
<td>Not yet completed</td>
</tr>
<tr>
<td>Water fountain on second floor too high and inaccessible</td>
<td>Architectural/Physical</td>
<td>Lower fountain and move benches</td>
<td>Not yet completed</td>
</tr>
<tr>
<td>Threshold too high at back door entrance</td>
<td>Architectural/Physical</td>
<td>Install beveled threshold strips on each side of entrance</td>
<td>2006 Completed</td>
</tr>
<tr>
<td>Ramp/landing at back door is insufficient in area as per the Ontario Building Code</td>
<td>Architectural/Physical</td>
<td>Remove existing ramp and replace with a ramp up to code</td>
<td>2006 Completed</td>
</tr>
<tr>
<td>Rear Entrance door and ramp</td>
<td>Architectural/Physical</td>
<td>New ramp installed and improved the doorway threshold.</td>
<td>2011 Completed</td>
</tr>
<tr>
<td>Identify Accessible Parking Space(s)</td>
<td>Architectural/Physical</td>
<td>Install Parking signs to indicate Accessible Parking space(s)</td>
<td>2014</td>
</tr>
</tbody>
</table>

**Renfrew Public Library – 13 Railway Avenue**

<p>| Manual door at Raglan St. S. (Children’s Library) ramped access | Architectural/Physical | Install Automatic door | 2007 Completed |
| Manual door at Railway Ave. (Adult Library) ramped access | Architectural/Physical | Install Automatic door | 2007 Completed |
| Doorway threshold too high at ramp access on Railway Ave. (Adult Library) | Architectural/Physical | Modify entrance to comply with Ontario Building Code | 2005/2006 Completed |
| Circulation Desk (Adult and Children’s Library) not accessible | Architectural/Physical | Replace with modified/modern desk which addresses accessibility | 2012/2013 Completed |
| No interior floor to floor access | Architectural/Physical | Install an elevator | Not yet completed |</p>
<table>
<thead>
<tr>
<th>Municipal Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access to information (water data, by-laws, permits, applications, etc...)</td>
</tr>
<tr>
<td>Website Accessibility</td>
</tr>
</tbody>
</table>

**Post Office Building – 249 Raglan St. S.**

| Access between floors | Architectural/Physical | Install an elevator | Not yet completed |

**Renfrew Fire Department – 152 Plaunt St. S.**

| In person communications | Technological | Installation of a call button | 2012 Completed |
Barriers to be addressed in 2014

- Upgrade of Website
- Installation of Automatic Doors where required
- Continual sidewalk replacement to follow Ontario Standards and Specifications
- Continual traffic light replacement to include audible signals
- Continual discussions with all Departments concerning accessibility issues or concerns

Review and monitoring of the process

The Town of Renfrew is committed to following through with this plan. The plan will be reviewed annually allowing Council, staff and the public to assess its effectiveness and reflect changing community requirements.

Communication of the Plan

The plan will be available on the web site as well as at the municipal office. Every effort will be made to make the plan available to those with disabilities for their perusal and review. Should a copy in an alternative form be requested, the Town of Renfrew will try to accommodate the request by having staff produce the alternative format or by contacting other agencies for assistance.
 Appendix "A"

CORPORATION

OF THE

TOWN OF RENFREW

ACCESSIBILITY
CUSTOMER SERVICE
STANDARDS

Clerk’s Department
December 2009

This publication can be made available in alternative formats
The Town of Renfrew

Accessibility Customer Service Standards

The Town of Renfrew strives to provide goods and services in a way that respects the dignity and independence of persons with disabilities. The Town is committed to ensuring all residents with disabilities in the Town of Renfrew and surrounding areas receive accessible goods and services of the same quality and timeliness as others do and ensure the dignity, independence and the equal opportunity of persons with disabilities.

1. Definitions

"Assistive Device" - means an auxiliary aid such as communication aids, cognition aids, personal mobility aids and medical aids (For example, canes, crutches, wheelchairs, hearing aids, etc.);

"Customer" - means any person who receives or seeks to receive goods or services directly or indirectly from the Town of Renfrew;

"Disability" - means the same as the definition of disability found in the Ontario Human Rights Code;

"Service Animal" - means a service animal as defined in Ontario Regulation 429/07;

"Support Person" - means a support person as defined in Ontario Regulation 429/07;

Accessibility Customer Service Standards-November 2009
2. Establishment of Policies, Practices and Procedures

Having regard for Accessibility issues, the Town of Renfrew shall take all reasonable efforts to establish policies to promote the dignity and independence of persons with disabilities by taking into consideration feedback from the public, progressive reviews, and ongoing training to staff as needed to ensure that Ontarians with Disabilities have equal access to goods and services as others.

3. Notice of Temporary Disruptions

The Town of Renfrew will provide notice in the event of a planned or unexpected disruption in the facilities or service normally used by people with disabilities. The notice will include information about the reason for the disruption, how long the disruption is expected to last, and a description of any alternative facilities or services available if any. When facilities or services that people with disabilities use to access our goods or services are temporarily disrupted, the Town will either provide notice in the local newspaper, on the Town website, or post related information in the facility at the public entrance.

4. Assistive Devices

The Town of Renfrew is committed to assisting customers and members of the Community in serving persons with disabilities who use assistive devices to benefit from our goods and services.

The Town of Renfrew will provide staff with ongoing training on how to use existing assistive devices as well as new aides that will be introduced as the need arises, and provide the information in a format that takes into account the person's disability.

5. Communication and Documentation

Council, staff, contractors, agents, volunteers and other third party agents in association with the Town of Renfrew will make reasonable efforts to ensure that our policies, practices and procedures are consistent with promoting independence, dignity, integration and equality of opportunity. Every reasonable effort will be made to communicate with persons with a disability in the appropriate manner in accordance with the needs determined by their disability.
6. Use of Service Animals and Support Persons

The Town of Renfrew will allow people with disabilities to be accompanied by their guide dog or service animal on the premises they own or operate that are open to the public, unless the animal is excluded by another law. If a service animal is excluded by law, the Town will use other measures to provide services to the person with a disability.

The Town will permit people with disabilities who use a support person to bring that person with them while accessing goods or services in premises open to the public or third parties.

Where admission fees are charged, the Town of Renfrew will provide notice ahead of time on what admission, if any, would be charged for a support person of a person with a disability.

7. Training for Staff

The Town of Renfrew Council and staff will be trained on practices and procedures on how to best help a person with a disability. Training will be on an on-going basis, as needed, or to remedy any new situation that evolves. Contractors, agents, volunteers and other third party agents in association with the Town of Renfrew will also be trained on policies and procedures whom interact with the public on the Town’s behalf. Training will be accomplished through methods such as workshops, seminars, audio/visual and online presentations as the need arises and when feasible.

The Town of Renfrew will provide staff with training that includes:

- A review of the purposes of the Accessibility for Ontarians with Disabilities Act, 2005 and the requirements of the Accessibility Standards for Customer Service;
- How to interact and communicate with persons with various types of disabilities;
- How to interact with persons with disabilities who use an assistive device or require the assistance of a service animal or a support person;
- How to use the equipment or devices available on the Town’s premise, or otherwise, that may assist with the provision of goods or services to persons with disabilities;
- What to do if a person with a disability is having difficulty in accessing the Town of Renfrew’s goods and services.
8. Feedback

The Town of Renfrew will post an Accessibility link on their website, www.town.renfrew.on.ca, to receive information in writing and in person for people to provide feedback on how the Town provides goods or services to people with disabilities. The Town will take into account how we will respond to feedback and take action on complaints. This information will be made available to the public upon request.

9. Questions about this Policy

For concerns or questions or anything related to the above information, please contact:

The Town of Renfrew
127 Raglan St. S.
Renfrew, ON K7V 1P8
Phone: (613)432-4848
kbulmer@town.renfrew.on.ca
Attention: Kim Bulmer, Clerk
Appendix “B”

Ontario

Human Rights Code

R.S.O. 1990, CHAPTER H.19

Consolidation Period: From June 19, 2012 to the e-Laws currency date.

Last amendment: 2012, c. 7.

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Preamble
Whereas recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world and is in accord with the Universal Declaration of Human Rights as proclaimed by the United Nations;

And Whereas it is public policy in Ontario to recognize the dignity and worth of every person and to provide for equal rights and opportunities without discrimination that is contrary to law, and having as its aim the creation of a climate of understanding and mutual respect for the dignity and worth of each person so that each person feels a part of the community and able to contribute fully to the development and well-being of the community and the Province;

And Whereas these principles have been confirmed in Ontario by a number of enactments of the Legislature and it is desirable to revise and extend the protection of human rights in Ontario;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I
FREEDOM FROM DISCRIMINATION

Services

1. Every person has a right to equal treatment with respect to services, goods and facilities, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability. R.S.O. 1990, c. H.19, s. 1; 1999, c. 6, s. 28 (1); 2001, c. 32, s. 27 (1); 2005, c. 5, s. 32 (1); 2012, c. 7, s. 1.

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, gender identity, gender expression, 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); 2012, c. 7, s. 2 (1).

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, sexual orientation, gender identity, gender expression, 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); 2012, c. 7, s. 2 (2).

Contracts

3. Every person having legal capacity has a right to contract on equal terms without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability. R.S.O. 1990, c. H.19, s. 3; 1999, c. 6, s. 28 (4); 2001, c. 32, s. 27 (1); 2005, c. 5, s. 32 (4); 2012, c. 7, s. 3.

Accommodation of person under eighteen

4. (1) Every sixteen or seventeen year old person who has withdrawn from parental
control has a right to equal treatment with respect to occupancy of and contracting for accommodation without discrimination because the person is less than eighteen years old. R.S.O. 1990, c. H.19, s. 4 (1).

Idem

(2) A contract for accommodation entered into by a sixteen or seventeen year old person who has withdrawn from parental control is enforceable against that person as if the person were eighteen years old. R.S.O. 1990, c. H.19, s. 4 (2).

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, gender identity, gender expression, age, record of offences, marital status, family status or disability. 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); 2012, c. 7, s. 4 (1).

Harassment in employment

(2) Every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability. 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); 2012, c. 7, s. 4 (2).

Vocational associations

6. Every person has a right to equal treatment with respect to membership in any trade union, trade or occupational association or self-governing profession without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability. R.S.O. 1990, c. H.19, s. 6; 1999, c. 6, s. 28 (7); 2001, c. 32, s. 27 (1); 2005, c. 5, s. 32 (7); 2012, c. 7, s. 5.

Sexual harassment

Harassment because of sex in accommodation

7. (1) Every person who occupies accommodation has a right to freedom from harassment because of sex, sexual orientation, gender identity or gender expression by the landlord or agent of the landlord or by an occupant of the same building. R.S.O. 1990, c. H.19, s. 7 (1); 2012, c. 7, s. 6 (1).

Harassment because of sex in workplaces

(2) Every person who is an employee has a right to freedom from harassment in the workplace because of sex, sexual orientation, gender identity or gender expression by his or her employer or agent of the employer or by another employee. R.S.O. 1990, c. H.19, s. 7 (2); 2012, c. 7, s. 6 (2).

Sexual solicitation by a person in position to confer benefit, etc.

(3) Every person has a right to be free from,

(a) a sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome; or

(b) a reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance
where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person. R.S.O. 1990, c. H.19, s. 7 (3).

Reprisals
8. Every person has a right to claim and enforce his or her rights under this Act, to institute and participate in proceedings under this Act and to refuse to infringe a right of another person under this Act, without reprisal or threat of reprisal for so doing. R.S.O. 1990, c. H.19, s. 8.

Infringement prohibited
9. No person shall infringe or do, directly or indirectly, anything that infringes a right under this Part. R.S.O. 1990, c. H.19, s. 9.

PART II
INTERPRETATION AND APPLICATION

Definitions re: Parts I and II
10. (1) In Part I and in this Part,

“age” means an age that is 18 years or more; (“âge”)

“disability” means,

(a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,

(b) a condition of mental impairment or a developmental disability,

(c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,

(d) a mental disorder, or

(e) an injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997; (“handicap”)

“equal” means subject to all requirements, qualifications and considerations that are not a prohibited ground of discrimination; (“égal”)

“family status” means the status of being in a parent and child relationship; (“état familial”)

“group insurance” means insurance whereby the lives or well-being or the lives and well-being of a number of persons are insured severally under a single contract between an insurer and an association or an employer or other person; (“assurance-groupe”)

“harassment” means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome; (“harcèlement”)

“marital status” means the status of being married, single, widowed, divorced or separated and includes the status of living with a person in a conjugal relationship outside marriage; (“état matrimonial”)

“record of offences” means a conviction for,
(a) an offence in respect of which a pardon has been granted under the Criminal Records Act (Canada) and has not been revoked, or

(b) an offence in respect of any provincial enactment; ("casier judiciaire")

"services" does not include a levy, fee, tax or periodic payment imposed by law; ("services")

"spouse" means the person to whom a person is married or with whom the person is living in a conjugal relationship outside marriage. ("conjoint") R.S.O. 1990, c. H.19, s. 10 (1); 1993, c. 27, Sched.; 1997, c. 16, s. 8; 1999, c. 6, s. 28 (8); 2001, c. 13, s. 19; 2001, c. 32, s. 27 (2, 3); 2005, c. 5, s. 32 (8-10); 2005, c. 29, s. 1 (1).

Pregnancy

(2) The right to equal treatment without discrimination because of sex includes the right to equal treatment without discrimination because a woman is or may become pregnant. R.S.O. 1990, c. H.19, s. 10 (2).

Past and presumed disabilities

(3) The right to equal treatment without discrimination because of disability includes the right to equal treatment without discrimination because a person has or has had a disability or is believed to have or to have had a disability. 2001, c. 32, s. 27 (4).

Constructive discrimination

11. (1) A right of a person under Part I is infringed where a requirement, qualification or factor exists that is not discrimination on a prohibited ground but that results in the exclusion, restriction or preference of a group of persons who are identified by a prohibited ground of discrimination and of whom the person is a member, except where,

(a) the requirement, qualification or factor is reasonable and bona fide in the circumstances; or

(b) it is declared in this Act, other than in section 17, that to discriminate because of such ground is not an infringement of a right. R.S.O. 1990, c. H.19, s. 11 (1).

Idem

(2) The Tribunal or a court shall not find that a requirement, qualification or factor is reasonable and bona fide in the circumstances unless it is satisfied that the needs of the group of which the person is a member cannot be accommodated without undue hardship on the person responsible for accommodating those needs, considering the cost, outside sources of funding, if any, and health and safety requirements, if any. R.S.O. 1990, c. H.19, s. 11 (2); 1994, c. 27, s. 65 (1); 2002, c. 18, Sched. C, s. 2 (1); 2009, c. 33, Sched. 2, s. 35 (1).

Idem

(3) The Tribunal or a court shall consider any standards prescribed by the regulations for assessing what is undue hardship. R.S.O. 1990, c. H.19, s. 11 (3); 1994, c. 27, s. 65 (2); 2002, c. 18, Sched. C, s. 2 (2); 2009, c. 33, Sched. 2, s. 35 (2).

Discrimination because of association

12. A right under Part I is infringed where the discrimination is because of relationship, association or dealings with a person or persons identified by a prohibited ground of discrimination. R.S.O. 1990, c. H.19, s. 12.

Announced intention to discriminate

13. (1) A right under Part I is infringed by a person who publishes or displays before the
public or causes the publication or display before the public of any notice, sign, symbol, emblem, or other similar representation that indicates the intention of the person to infringe a right under Part I or that is intended by the person to incite the infringement of a right under Part I. R.S.O. 1990, c. H.19, s. 13 (1).

Opinion
(2) Subsection (1) shall not interfere with freedom of expression of opinion. R.S.O. 1990, c. H.19, s. 13 (2).

Special programs
14. (1) A right under Part I is not infringed by the implementation of a special program designed to relieve hardship or economic disadvantage or to assist disadvantaged persons or groups to achieve or attempt to achieve equal opportunity or that is likely to contribute to the elimination of the infringement of rights under Part I. R.S.O. 1990, c. H.19, s. 14 (1).

Application to Commission
(2) A person may apply to the Commission for a designation of a program as a special program for the purposes of subsection (1). 2006, c. 30, s. 1.

Designation by Commission
(3) Upon receipt of an application, the Commission may,

(a) designate the program as a special program if, in its opinion, the program meets the requirements of subsection (1); or

(b) designate the program as a special program on the condition that the program make such modifications as are specified in the designation in order to meet the requirements of subsection (1). 2006, c. 30, s. 1.

Inquiries initiated by Commission
(4) The Commission may, on its own initiative, inquire into one or more programs to determine whether the programs are special programs for the purposes of subsection (1). 2006, c. 30, s. 1.

End of inquiry
(5) At the conclusion of an inquiry under subsection (4), the Commission may designate as a special program any of the programs under inquiry if, in its opinion, the programs meet the requirements of subsection (1). 2006, c. 30, s. 1.

Expiry of designation
(6) A designation under subsection (3) or (5) expires five years after the day it is issued or at such earlier time as may be specified by the Commission. 2006, c. 30, s. 1.

Renewal of designation
(7) If an application for renewal of a designation of a program as a special program is made to the Commission before its expiry under subsection (6), the Commission may,

(a) renew the designation if, in its opinion, the program continues to meet the requirements of subsection (1); or

(b) renew the designation on the condition that the program make such modifications as are specified in the designation in order to meet the requirements of subsection (1). 2006, c. 30, s. 1.

Effect of designation, etc.
(8) In a proceeding,

(a) evidence that a program has been designated as a special program under this section is proof, in the absence of evidence to the contrary, that the program is a special program for the purposes of subsection (1); and

(b) evidence that the Commission has considered and refused to designate a program as a special program under this section is proof, in the absence of evidence to the contrary, that the program is not a special program for the purposes of subsection (1). 2006, c. 30, s. 1.

Crown programs

(9) Subsections (2) to (8) do not apply to a program implemented by the Crown or an agency of the Crown. 2006, c. 30, s. 1.

Tribunal finding

(10) For the purposes of a proceeding before the Tribunal, the Tribunal may make a finding that a program meets the requirements of a special program under subsection (1), even though the program has not been designated as a special program by the Commission under this section, subject to clause (8) (b). 2006, c. 30, s. 1.

14.1 Repealed: 1995, c. 4, s. 3 (1).

Age sixty-five or over

15. A right under Part I to non-discrimination because of age is not infringed where an age of sixty-five years or over is a requirement, qualification or consideration for preferential treatment. R.S.O. 1990, c. H.19, s. 15.

Canadian Citizenship

16. (1) A right under Part I to non-discrimination because of citizenship is not infringed where Canadian citizenship is a requirement, qualification or consideration imposed or authorized by law. R.S.O. 1990, c. H.19, s. 16 (1).

Idem

(2) A right under Part I to non-discrimination because of citizenship is not infringed where Canadian citizenship or lawful admission to Canada for permanent residence is a requirement, qualification or consideration adopted for the purpose of fostering and developing participation in cultural, educational, trade union or athletic activities by Canadian citizens or persons lawfully admitted to Canada for permanent residence. R.S.O. 1990, c. H.19, s. 16 (2).

Idem

(3) A right under Part I to non-discrimination because of citizenship is not infringed where Canadian citizenship or domicile in Canada with the intention to obtain Canadian citizenship is a requirement, qualification or consideration adopted by an organization or enterprise for the holder of chief or senior executive positions. R.S.O. 1990, c. H.19, s. 16 (3).

Disability

17. (1) A right of a person under this Act is not infringed for the reason only that the person is incapable of performing or fulfilling the essential duties or requirements attending the exercise of the right because of disability. R.S.O. 1990, c. H.19, s. 17 (1); 2001, c. 32, s. 27 (5).

Accommodation

(2) No tribunal or court shall find a person incapable unless it is satisfied that the needs of the person cannot be accommodated without undue hardship on the person responsible for
accommodating those needs, considering the cost, outside sources of funding, if any, and health and safety requirements, if any. R.S.O. 1990, c. H.19, s. 17 (2); 1994, c. 27, s. 65 (2); 2002, c. 18, Sched. C, s. 3 (1); 2006, c. 30, s. 2 (1).

Determining if undue hardship

(3) In determining for the purposes of subsection (2) whether there would be undue hardship, a tribunal or court shall consider any standards prescribed by the regulations. 2006, c. 30, s. 2 (2).

(4) Repealed: 2006, c. 30, s. 2 (3).

Special interest organizations

18. The rights under Part I to equal treatment with respect to services and facilities, with or without accommodation, are not infringed where membership or participation in a religious, philanthropic, educational, fraternal or social institution or organization that is primarily engaged in serving the interests of persons identified by a prohibited ground of discrimination is restricted to persons who are similarly identified. R.S.O. 1990, c. H.19, s. 18; 2006, c. 19, Sched. B, s. 10.

Solemnization of marriage by religious officials

18.1 (1) The rights under Part I to equal treatment with respect to services and facilities are not infringed where a person registered under section 20 of the Marriage Act refuses to solemnize a marriage, to allow a sacred place to be used for solemnizing a marriage or for an event related to the solemnization of a marriage, or to otherwise assist in the solemnization of a marriage, if to solemnize the marriage, allow the sacred place to be used or otherwise assist would be contrary to,

(a) the person’s religious beliefs; or

(b) the doctrines, rites, usages or customs of the religious body to which the person belongs. 2005, c. 5, s. 32 (11).

Same

(2) Nothing in subsection (1) limits the application of section 18. 2005, c. 5, s. 32 (11).

Definition

(3) In this section,

“sacred place” includes a place of worship and any ancillary or accessory facilities. 2005, c. 5, s. 32 (11).

Separate school rights preserved

19. (1) This Act shall not be construed to adversely affect any right or privilege respecting separate schools enjoyed by separate school boards or their supporters under the Constitution Act, 1867 and the Education Act. R.S.O. 1990, c. H.19, s. 19 (1).

Duties of teachers

(2) This Act does not apply to affect the application of the Education Act with respect to the duties of teachers. R.S.O. 1990, c. H.19, s. 19 (2).

Restriction of facilities by sex

20. (1) The right under section 1 to equal treatment with respect to services and facilities without discrimination because of sex is not infringed where the use of the services or facilities is restricted to persons of the same sex on the ground of public decency. R.S.O. 1990, c. H.19, s. 20 (1).
Minimum drinking age

(2) The right under section 1 to equal treatment with respect to services, goods and facilities without discrimination because of age is not infringed by the provisions of the Liquor Licence Act and the regulations under it relating to providing for and enforcing a minimum drinking age of nineteen years. R.S.O. 1990, c. H.19, s. 20 (2).

Recreational clubs

(3) The right under section 1 to equal treatment with respect to services and facilities is not infringed where a recreational club restricts or qualifies access to its services or facilities or gives preferences with respect to membership dues and other fees because of age, sex, marital status or family status. R.S.O. 1990, c. H.19, s. 20 (3); 1999, c. 6, s. 28 (9); 2005, c. 5, s. 32 (12).

Tobacco and young persons

(4) The right under section 1 to equal treatment with respect to goods without discrimination because of age is not infringed by the provisions of the Smoke-Free Ontario Act and the regulations under it relating to selling or supplying tobacco to persons who are, or who appear to be, under the age of 19 years or 25 years, as the case may be. 1994, c. 10, s. 22; 2005, c. 18, s. 17.

Residential accommodation

Shared accommodation

21. (1) The right under section 2 to equal treatment with respect to the occupancy of residential accommodation without discrimination is not infringed by discrimination where the residential accommodation is in a dwelling in which the owner or his or her family reside if the occupant or occupants of the residential accommodation are required to share a bathroom or kitchen facility with the owner or family of the owner. R.S.O. 1990, c. H.19, s. 21 (1).

Restrictions on accommodation, sex

(2) The right under section 2 to equal treatment with respect to the occupancy of residential accommodation without discrimination because of sex is not infringed by discrimination on that ground where the occupancy of all the residential accommodation in the building, other than the accommodation, if any, of the owner or family of the owner, is restricted to persons who are of the same sex. R.S.O. 1990, c. H.19, s. 21 (2).

Prescribing business practices

(3) The right under section 2 to equal treatment with respect to the occupancy of residential accommodation without discrimination is not infringed if a landlord uses in the manner prescribed under this Act income information, credit checks, credit references, rental history, guarantees or other similar business practices which are prescribed in the regulations made under this Act in selecting prospective tenants. 1997, c. 24, s. 212 (1).

Restrictions for insurance contracts, etc.

22. The right under sections 1 and 3 to equal treatment with respect to services and to contract on equal terms, without discrimination because of age, sex, marital status, family status or disability, is not infringed where a contract of automobile, life, accident or sickness or disability insurance or a contract of group insurance between an insurer and an association or person other than an employer, or a life annuity, differentiates or makes a distinction, exclusion or preference on reasonable and bona fide grounds because of age, sex, marital status, family status or disability. R.S.O. 1990, c. H.19, s. 22; 1999, c. 6, s. 28 (10); 2001, c. 32, s. 27 (5); 2005, c. 5, s. 32 (13).

Employment

23. (1) The right under section 5 to equal treatment with respect to employment is infringed where an invitation to apply for employment or an advertisement in connection with employment is published or displayed that directly or indirectly classifies or indicates qualifications by a prohibited ground of discrimination. R.S.O. 1990, c. H.19, s. 23 (1).

Application for employment

(2) The right under section 5 to equal treatment with respect to employment is infringed where a form of application for employment is used or a written or oral inquiry is made of an applicant that directly or indirectly classifies or indicates qualifications by a prohibited ground of discrimination. R.S.O. 1990, c. H.19, s. 23 (2).

Questions at interview

(3) Nothing in subsection (2) precludes the asking of questions at a personal employment interview concerning a prohibited ground of discrimination where discrimination on such ground is permitted under this Act. R.S.O. 1990, c. H.19, s. 23 (3).

Employment agencies

(4) The right under section 5 to equal treatment with respect to employment is infringed where an employment agency discriminates against a person because of a prohibited ground of discrimination in receiving, classifying, disposing of or otherwise acting upon applications for its services or in referring an applicant or applicants to an employer or agent of an employer. R.S.O. 1990, c. H.19, s. 23 (4).

Special employment

24. (1) The right under section 5 to equal treatment with respect to employment is not infringed where,

(a) a religious, philanthropic, educational, fraternal or social institution or organization that is primarily engaged in serving the interests of persons identified by their race, ancestry, place of origin, colour, ethnic origin, creed, sex, age, marital status or disability employs only, or gives preference in employment to, persons similarly identified if the qualification is a reasonable and bona fide qualification because of the nature of the employment;

(b) the discrimination in employment is for reasons of age, sex, record of offences or marital status if the age, sex, record of offences or marital status of the applicant is a reasonable and bona fide qualification because of the nature of the employment;

(c) an individual person refuses to employ another for reasons of any prohibited ground of discrimination in section 5, where the primary duty of the employment is attending to the medical or personal needs of the person or of an ill child or an aged, infirm or ill spouse or other relative of the person;

(d) an employer grants or withholds employment or advancement in employment to a person who is the spouse, child or parent of the employer or an employee;

(e) a judge or master is required to retire or cease to continue in office on reaching a specified age under the Courts of Justice Act;

(f) a case management master is required to retire on reaching a specified age under the Courts of Justice Act;

(g) the term of reappointment of a case management master expires on the case management master reaching a specified age under the Courts of Justice Act; or
(h) a justice of the peace is required to retire on reaching a specified age under the *Justices of the Peace Act*. R.S.O. 1990, c. H.19, s. 24 (1); 1999, c. 6, s. 28 (11); 2001, c. 32, s. 27 (5); 2005, c. 5, s. 32 (14); 2005, c. 29, s. 1 (2).

**Reasonable accommodation**

(2) No tribunal or court shall find that a qualification under clause (1) (b) is reasonable and *bona fide* unless it is satisfied that the circumstances of the person cannot be accommodated without undue hardship on the person responsible for accommodating those circumstances considering the cost, outside sources of funding, if any, and health and safety requirements, if any. R.S.O. 1990, c. H.19, s. 24 (2); 1994, c. 27, s. 65 (4); 2002, c. 18, Sched. C, s. 4 (1); 2006, c. 30, s. 3 (1).

**Determining if undue hardship**

(3) In determining for the purposes of subsection (2) whether there would be undue hardship, a tribunal or court shall consider any standards prescribed by the regulations. 2006, c. 30, s. 3 (2).

**Same**

(4) Clauses 24 (1) (e), (f), (g) and (h) shall not be interpreted to suggest that a judge, master, case management master or justice of the peace is an employee for the purposes of this Act or any other Act or law. 2005, c. 29, s. 1 (3).

24.1 Repealed: 1995, c. 4, s. 3 (2).

**Employee benefit and pension plans**

25. (1) The right under section 5 to equal treatment with respect to employment is infringed where employment is denied or made conditional because a term or condition of employment requires enrolment in an employee benefit, pension or superannuation plan or fund or a contract of group insurance between an insurer and an employer, that makes a distinction, preference or exclusion on a prohibited ground of discrimination. R.S.O. 1990, c. H.19, s. 25 (1).

**Same**

(2) The right under section 5 to equal treatment with respect to employment without discrimination because of sex, marital status or family status is not infringed by an employee superannuation or pension plan or fund or a contract of group insurance between an insurer and an employer that complies with the *Employment Standards Act, 2000* and the regulations thereunder. R.S.O. 1990, c. H.19, s. 25 (2); 1999, c. 6, s. 28 (12); 2005, c. 5, s. 32 (15); 2005, c. 29, s. 1 (4).

**Same**

(2.1) The right under section 5 to equal treatment with respect to employment without discrimination because of age is not infringed by an employee benefit, pension, superannuation or group insurance plan or fund that complies with the *Employment Standards Act, 2000* and the regulations thereunder. 2005, c. 29, s. 1 (5).

**Same**

(2.2) Subsection (2.1) applies whether or not a plan or fund is the subject of a contract of insurance between an insurer and an employer. 2005, c. 29, s. 1 (5).

**Same**

(2.3) For greater certainty, subsections (2) and (2.1) apply whether or not "age", "sex" or "marital status" in the *Employment Standards Act, 2000* or the regulations under it have the same meaning as those terms have in this Act. 2005, c. 29, s. 1 (5).

Same

(3) The right under section 5 to equal treatment with respect to employment without discrimination because of disability is not infringed,

(a) where a reasonable and bona fide distinction, exclusion or preference is made in an employee disability or life insurance plan or benefit because of a pre-existing disability that substantially increases the risk;

(b) where a reasonable and bona fide distinction, exclusion or preference is made on the ground of a pre-existing disability in respect of an employee-pay-all or participant-pay-all benefit in an employee benefit, pension or superannuation plan or fund or a contract of group insurance between an insurer and an employer or in respect of a plan, fund or policy that is offered by an employer to employees if they are fewer than twenty-five in number. R.S.O. 1990, c. H.19, s. 25 (3); 2001, c. 32, s. 27 (5).

Compensation

(4) An employer shall pay to an employee who is excluded because of a disability from an employee benefit, pension or superannuation plan or fund or a contract of group insurance between an insurer and the employer compensation equivalent to the contribution that the employer would make thereto on behalf of an employee who does not have a disability. R.S.O. 1990, c. H.19, s. 25 (4); 2001, c. 32, s. 27 (5).

Discrimination in employment under government contracts

26. (1) It shall be deemed to be a condition of every contract entered into by or on behalf of the Crown or any agency thereof and of every subcontract entered into in the performance thereof that no right under section 5 will be infringed in the course of performing the contract. R.S.O. 1990, c. H.19, s. 26 (1).

Idem: government grants and loans

(2) It shall be deemed to be a condition of every grant, contribution, loan or guarantee made by or on behalf of the Crown or any agency thereof that no right under section 5 will be infringed in the course of carrying out the purposes for which the grant, contribution, loan or guarantee was made. R.S.O. 1990, c. H.19, s. 26 (2).

Sanction

(3) Where an infringement of a right under section 5 is found by the Tribunal upon a complaint and constitutes a breach of a condition under this section, the breach of condition is sufficient grounds for cancellation of the contract, grant, contribution, loan or guarantee and refusal to enter into any further contract with or make any further grant, contribution, loan or guarantee to the same person. R.S.O. 1990, c. H.19, s. 26 (3); 2002, c. 18, Sched. C, s. 5.

PART III

THE ONTARIO HUMAN RIGHTS COMMISSION

The Commission

27. (1) The Ontario Human Rights Commission is continued under the name Ontario Human Rights Commission in English and Commission ontarienne des droits de la personne in French. 2006, c. 30, s. 4.

Composition

(2) The Commission shall be composed of such persons as are appointed by the Lieutenant Governor in Council. 2006, c. 30, s. 4.
Appointment
(3) Every person appointed to the Commission shall have knowledge, experience or training with respect to human rights law and issues. 2006, c. 30, s. 4.

Criteria
(4) In the appointment of persons to the Commission under subsection (2), the importance of reflecting, in the composition of the Commission as a whole, the diversity of Ontario's population shall be recognized. 2006, c. 30, s. 4.

Chief Commissioner
(5) The Lieutenant Governor in Council shall designate a member of the Commission as Chief Commissioner. 2006, c. 30, s. 4.

Powers and duties of Chief Commissioner
(6) The Chief Commissioner shall direct the Commission and exercise the powers and perform the duties assigned to the Chief Commissioner by or under this Act. 2006, c. 30, s. 4.

Term of office
(7) The Chief Commissioner and other members of the Commission shall hold office for such term as may be specified by the Lieutenant Governor in Council. 2006, c. 30, s. 4.

Remuneration
(8) The Chief Commissioner and other members of the Commission shall be paid such remuneration and allowance for expenses as are fixed by the Lieutenant Governor in Council. 2006, c. 30, s. 4.

Employees
(9) The Commission may appoint such employees as it considers necessary for the proper conduct of its affairs and the employees shall be appointed under Part III of the Public Service of Ontario Act, 2006. 2006, c. 30, s. 4; 2006, c. 35, Sched. C, s. 132 (5).

Evidence obtained in performance of duties
(10) A member of the Commission shall not be required to give testimony in a civil suit or any proceeding as to information obtained in the performance of duties under this Act. 2006, c. 30, s. 4.

Same, employees
(11) An employee of the Commission shall not be required to give testimony in a civil suit or any proceeding other than a proceeding under this Act as to information obtained in the performance of duties under this Act. 2006, c. 30, s. 4.

Delegation
(12) The Chief Commissioner may in writing delegate any of his or her powers, duties or functions under this Act to any member of the Anti-Racism Secretariat, the Disability Rights Secretariat or an advisory group or to any other member of the Commission, subject to such conditions as the Chief Commissioner may set out in the delegation. 2006, c. 30, s. 4.

Divisions
(13) The Commission may authorize any function of the Commission to be performed by a division of the Commission composed of at least three members of the Commission. 2006, c. 30, s. 4.

Acting Chief Commissioner
28. (1) If the Chief Commissioner dies, resigns or is unable or neglects to perform his or
her duties, the Lieutenant Governor in Council may appoint an Acting Chief Commissioner to hold office for such period as may be specified in the appointment. 2006, c. 30, s. 4.

Same

(2) An Acting Chief Commissioner shall perform the duties and have the powers of the Chief Commissioner and shall be paid such remuneration and allowance for expenses as are fixed by the Lieutenant Governor in Council. 2006, c. 30, s. 4.

Functions of Commission

29. The functions of the Commission are to promote and advance respect for human rights in Ontario, to protect human rights in Ontario and, recognizing that it is in the public interest to do so and that it is the Commission’s duty to protect the public interest, to identify and promote the elimination of discriminatory practices and, more specifically,

(a) to forward the policy that the dignity and worth of every person be recognized and that equal rights and opportunities be provided without discrimination that is contrary to law;

(b) to develop and conduct programs of public information and education to,

(i) promote awareness and understanding of, respect for and compliance with this Act, and

(ii) prevent and eliminate discriminatory practices that infringe rights under Part I;

(c) to undertake, direct and encourage research into discriminatory practices and to make recommendations designed to prevent and eliminate such discriminatory practices;

(d) to examine and review any statute or regulation, and any program or policy made by or under a statute, and make recommendations on any provision, program or policy that in its opinion is inconsistent with the intent of this Act;

(e) to initiate reviews and inquiries into incidents of tension or conflict, or conditions that lead or may lead to incidents of tension or conflict, in a community, institution, industry or sector of the economy, and to make recommendations, and encourage and co-ordinate plans, programs and activities, to reduce or prevent such incidents or sources of tension or conflict;

(f) to promote, assist and encourage public, municipal or private agencies, organizations, groups or persons to engage in programs to alleviate tensions and conflicts based upon identification by a prohibited ground of discrimination;

(g) to designate programs as special programs in accordance with section 14;

(h) to approve policies under section 30;

(i) to make applications to the Tribunal under section 35;

(j) to report to the people of Ontario on the state of human rights in Ontario and on its affairs;

(k) to perform the functions assigned to the Commission under this or any other Act. 2006, c. 30, s. 4.

Commission policies

30. The Commission may approve policies prepared and published by the Commission to provide guidance in the application of Parts I and II. 2006, c. 30, s. 4.
Inquiries

31. (1) The Commission may conduct an inquiry under this section for the purpose of carrying out its functions under this Act if the Commission believes it is in the public interest to do so. 2006, c. 30, s. 4.

Conduct of inquiry

(2) An inquiry may be conducted under this section by any person who is appointed by the Commission to carry out inquiries under this section. 2006, c. 30, s. 4.

Production of certificate

(3) A person conducting an inquiry under this section shall produce proof of their appointment upon request. 2006, c. 30, s. 4.

Entry

(4) A person conducting an inquiry under this section may, without warrant, enter any lands or any building, structure or premises where the person has reason to believe there may be documents, things or information relevant to the inquiry. 2006, c. 30, s. 4.

Time of entry

(5) The power to enter a place under subsection (4) may be exercised only during the place’s regular business hours or, if it does not have regular business hours, during daylight hours. 2006, c. 30, s. 4.

Dwellings

(6) A person conducting an inquiry under this section shall not enter into a place or part of a place that is a dwelling without the consent of the occupant. 2006, c. 30, s. 4.

Powers on inquiry

(7) A person conducting an inquiry may,

(a) request the production for inspection and examination of documents or things that are or may be relevant to the inquiry;

(b) upon giving a receipt for it, remove from a place documents produced in response to a request under clause (a) for the purpose of making copies or extracts;

(c) question a person on matters that are or may be relevant to the inquiry, subject to the person’s right to have counsel or a personal representative present during such questioning and exclude from the questioning any person who may be adverse in interest to the inquiry;

(d) use any data storage, processing or retrieval device or system used in carrying on business in the place in order to produce a document in readable form;

(e) take measurements or record by any means the physical dimensions of a place;

(f) take photographs, video recordings or other visual or audio recordings of the interior or exterior of a place; and

(g) require that a place or part thereof not be disturbed for a reasonable period of time for the purposes of carrying out an examination, inquiry or test. 2006, c. 30, s. 4.

Written demand

(8) A demand that a document or thing be produced must be in writing and must include a statement of the nature of the document or thing required. 2006, c. 30, s. 4.
Assistance

(9) A person conducting an inquiry may be accompanied by any person who has special, expert or professional knowledge and who may be of assistance in carrying out the inquiry. 2006, c. 30, s. 4.

Use of force prohibited

(10) A person conducting an inquiry shall not use force to enter and search premises under this section. 2006, c. 30, s. 4.

Obligation to produce and assist

(11) A person who is requested to produce a document or thing under clause (7) (a) shall produce it and shall, on request by the person conducting the inquiry, provide any assistance that is reasonably necessary, including assistance in using any data storage, processing or retrieval device or system, to produce a document in readable form. 2006, c. 30, s. 4.

Return of removed things

(12) A person conducting an inquiry who removes any document or thing from a place under clause (7) (b) shall,

(a) make it available to the person from whom it was removed, on request, at a time and place convenient for both that person and the person conducting the inquiry; and

(b) return it to the person from whom it was removed within a reasonable time. 2006, c. 30, s. 4.

Admissibility of copies

(13) A copy of a document certified by a person conducting an inquiry to be a true copy of the original is admissible in evidence to the same extent as the original and has the same evidentiary value. 2006, c. 30, s. 4.

Obstruction

(14) No person shall obstruct or interfere with a person conducting an inquiry under this section. 2006, c. 30, s. 4.

Search warrant

31.1 (1) The Commission may authorize a person to apply to a justice of the peace for a warrant to enter a place and conduct a search of the place if,

(a) a person conducting an inquiry under section 31 has been denied entry to any place or asked to leave a place before concluding a search;

(b) a person conducting an inquiry under section 31 made a request for documents or things and the request was refused; or

(c) an inquiry under section 31 is otherwise obstructed or prevented. 2006, c. 30, s. 4.

Same

(2) Upon application by a person authorized under subsection (1) to do so, a justice of the peace may issue a warrant under this section if he or she is satisfied on information under oath or affirmation that the warrant is necessary for the purposes of carrying out the inquiry under section 31. 2006, c. 30, s. 4.

Powers

(3) A warrant obtained under subsection (2) may authorize a person named in the warrant, upon producing proof of his or her appointment,
(a) to enter any place specified in the warrant, including a dwelling; and
(b) to do any of the things specified in the warrant. 2006, c. 30, s. 4.

Conditions on search warrant

(4) A warrant obtained under subsection (2) shall contain such conditions as the justice of the peace considers advisable to ensure that any search authorized by the warrant is reasonable in the circumstances. 2006, c. 30, s. 4.

Time of execution

(5) An entry under a warrant issued under this section shall be made at such reasonable times as may be specified in the warrant. 2006, c. 30, s. 4.

Expiry of warrant

(6) A warrant issued under this section shall name a date of expiry, which shall be no later than 15 days after the warrant is issued, but a justice of the peace may extend the date of expiry for an additional period of no more than 15 days, upon application without notice by the person named in the warrant. 2006, c. 30, s. 4.

Use of force

(7) The person authorized to execute the warrant may call upon police officers for assistance in executing the warrant and the person may use whatever force is reasonably necessary to execute the warrant. 2006, c. 30, s. 4.

Obstruction prohibited

(8) No person shall obstruct or hinder a person in the execution of a warrant issued under this section. 2006, c. 30, s. 4.

Application

(9) Subsections 31 (11), (12) and (13) apply with necessary modifications to an inquiry carried out pursuant to a warrant issued under this section. 2006, c. 30, s. 4.

Evidence used in Tribunal proceedings

31.2 Despite any other Act, evidence obtained on an inquiry under section 31 or 31.1 may be received into evidence in a proceeding before the Tribunal. 2006, c. 30, s. 4.

Anti-Racism Secretariat

31.3 (1) The Chief Commissioner directs the Anti-Racism Secretariat which shall be established in accordance with subsection (2). 2006, c. 30, s. 4.

Composition

(2) The Anti-Racism Secretariat shall be composed of not more than six persons appointed by the Lieutenant Governor in Council on the advice of the Chief Commissioner. 2006, c. 30, s. 4.

Remuneration

(3) The Lieutenant Governor in Council may fix the remuneration and allowance for expenses of the members of the Anti-Racism Secretariat. 2006, c. 30, s. 4.

Functions of the Secretariat

(4) At the direction of the Chief Commissioner, the Anti-Racism Secretariat shall,

(a) undertake, direct and encourage research into discriminatory practices that infringe rights under Part I on the basis of racism or a related ground and make recommendations to the Commission designed to prevent and eliminate such
discriminatory practices;

(b) facilitate the development and provision of programs of public information and education relating to the elimination of racism; and

(c) undertake such tasks and responsibilities as may be assigned by the Chief Commissioner. 2006, c. 30, s. 4.

Disability Rights Secretariat

31.4 (1) The Chief Commissioner directs the Disability Rights Secretariat which shall be established in accordance with subsection (2). 2006, c. 30, s. 4.

Composition

(2) The Disability Rights Secretariat shall be composed of not more than six persons appointed by the Lieutenant Governor in Council on the advice of the Chief Commissioner. 2006, c. 30, s. 4.

Remuneration

(3) The Lieutenant Governor in Council may fix the remuneration and allowance for expenses of the members of the Disability Rights Secretariat. 2006, c. 30, s. 4.

Functions of the Secretariat

(4) At the direction of the Chief Commissioner, the Disability Rights Secretariat shall,

(a) undertake, direct and encourage research into discriminatory practices that infringe rights under Part I on the basis of disability and make recommendations to the Commission designed to prevent and eliminate such discriminatory practices;

(b) facilitate the development and provision of programs of public information and education intended to promote the elimination of discriminatory practices that infringe rights under Part I on the basis of disability; and

(c) undertake such tasks and responsibilities as may be assigned by the Chief Commissioner. 2006, c. 30, s. 4.

Advisory groups

31.5 The Chief Commissioner may establish such advisory groups as he or she considers appropriate to advise the Commission about the elimination of discriminatory practices that infringe rights under this Act. 2006, c. 30, s. 4.

Annual report

31.6 (1) Every year, the Commission shall prepare an annual report on the affairs of the Commission that occurred during the 12-month period ending on March 31 of each year. 2006, c. 30, s. 4.

Report to Speaker

(2) The Commission shall submit the report to the Speaker of the Assembly no later than on June 30 in each year who shall cause the report to be laid before the Assembly if it is in session or, if not, at the next session. 2006, c. 30, s. 4.

Copy to Minister

(3) The Commission shall give a copy of the report to the Minister at least 30 days before it is submitted to the Speaker under subsection (2). 2006, c. 30, s. 4.

Other reports

31.7 In addition to the annual report, the Commission may make any other reports

respecting the state of human rights in Ontario and the affairs of the Commission as it
considers appropriate, and may present such reports to the public or any other person it considers
appropriate. 2006, c. 30, s. 4.

PART IV
HUMAN RIGHTS TRIBUNAL OF ONTARIO

Tribunal
32. (1) The Tribunal known as the Human Rights Tribunal of Ontario in English and
Tribunal des droits de la personne de l’Ontario in French is continued. 2006, c. 30, s. 5.

Composition
(2) The Tribunal shall be composed of such members as are appointed by the Lieutenant
Governor in Council in accordance with the selection process described in subsection (3). 2006,
c. 30, s. 5.

Selection process
(3) The selection process for the appointment of members of the Tribunal shall be a
competitive process and the criteria to be applied in assessing candidates shall include the
following:

1. Experience, knowledge or training with respect to human rights law and issues.
2. Aptitude for impartial adjudication.
3. Aptitude for applying the alternative adjudicative practices and procedures that may be
set out in the Tribunal rules. 2006, c. 30, s. 5.

Remuneration
(4) The members of the Tribunal shall be paid such remuneration and allowance for
expenses as are fixed by the Lieutenant Governor in Council. 2006, c. 30, s. 5.

Term of office
(5) A member of the Tribunal shall be appointed for such term as may be specified by the
Lieutenant Governor in Council. 2006, c. 30, s. 5.

Chair, vice-chair
(6) The Lieutenant Governor in Council shall appoint a chair and may appoint one or more
vice-chairs of the Tribunal from among the members of the Tribunal. 2006, c. 30, s. 5.

Alternate chair
(7) The Lieutenant Governor in Council shall designate one of the vice-chairs to be the
alternate chair. 2006, c. 30, s. 5.

Same
(8) If the chair is unable to act, the alternate chair shall perform the duties of the chair and,
for this purpose, has all the powers of the chair. 2006, c. 30, s. 5.

Employees
(9) The Tribunal may appoint such employees as it considers necessary for the proper
conduct of its affairs and the employees shall be appointed under Part III of the Public Service of

Evidence obtained in course of proceeding
(10) A member or employee of the Tribunal shall not be required to give testimony in a
civil suit or any proceeding as to information obtained in the course of a proceeding before the Tribunal. 2006, c. 30, s. 5.

Same
(11) Despite subsection (10), an employee of the Tribunal may be required to give testimony in a proceeding before the Tribunal in the circumstances prescribed by the Tribunal rules. 2006, c. 30, s. 5.

Panels
33. (1) The chair of the Tribunal may appoint panels composed of one or more members of the Tribunal to exercise and perform the powers and duties of the Tribunal. 2006, c. 30, s. 5.

Person designated to preside over panel
(2) If a panel of the Tribunal holds a hearing, the chair of the Tribunal shall designate one member of the panel to preside over the hearing. 2006, c. 30, s. 5.

Reassignment of panel
(3) If a panel of the Tribunal is unable for any reason to exercise or perform the powers or duties of the Tribunal, the chair of the Tribunal may assign another panel in its place. 2006, c. 30, s. 5.

Application by person
34. (1) If a person believes that any of his or her rights under Part I have been infringed, the person may apply to the Tribunal for an order under section 45.2,
(a) within one year after the incident to which the application relates; or
(b) if there was a series of incidents, within one year after the last incident in the series. 2006, c. 30, s. 5.

Late applications
(2) A person may apply under subsection (1) after the expiry of the time limit under that subsection if the Tribunal is satisfied that the delay was incurred in good faith and no substantial prejudice will result to any person affected by the delay. 2006, c. 30, s. 5.

Form
(3) An application under subsection (1) shall be in a form approved by the Tribunal. 2006, c. 30, s. 5.

Two or more persons
(4) Two or more persons who are each entitled to make an application under subsection (1) may file the applications jointly, subject to any provision in the Tribunal rules that authorizes the Tribunal to direct that one or more of the applications be considered in a separate proceeding. 2006, c. 30, s. 5.

Application on behalf of another
(5) A person or organization, other than the Commission, may apply on behalf of another person to the Tribunal for an order under section 45.2 if the other person,
(a) would have been entitled to bring an application under subsection (1); and
(b) consents to the application. 2006, c. 30, s. 5.

Participation in proceedings
(6) If a person or organization makes an application on behalf of another person, the person or organization may participate in the proceeding in accordance with the Tribunal rules. 2006,
c. 30, s. 5.

Consent form

(7) A consent under clause (5) (b) shall be in a form specified in the Tribunal rules. 2006, c. 30, s. 5.

Time of application

(8) An application under subsection (5) shall be made within the time period required for making an application under subsection (1). 2006, c. 30, s. 5.

Application

(9) Subsections (2) and (3) apply to an application made under subsection (5). 2006, c. 30, s. 5.

Withdrawal of application

(10) An application under subsection (5) may be withdrawn by the person on behalf of whom the application is made in accordance with the Tribunal rules. 2006, c. 30, s. 5.

Where application barred

(11) A person who believes that one of his or her rights under Part I has been infringed may not make an application under subsection (1) with respect to that right if,

(a) a civil proceeding has been commenced in a court in which the person is seeking an order under section 46.1 with respect to the alleged infringement and the proceeding has not been finally determined or withdrawn; or

(b) a court has finally determined the issue of whether the right has been infringed or the matter has been settled. 2006, c. 30, s. 5.

Final determination

(12) For the purpose of subsection (11), a proceeding or issue has not been finally determined if a right of appeal exists and the time for appealing has not expired. 2006, c. 30, s. 5.

Application by Commission

35. (1) The Commission may apply to the Tribunal for an order under section 45.3 if the Commission is of the opinion that,

(a) it is in the public interest to make an application; and

(b) an order under section 45.3 could provide an appropriate remedy. 2006, c. 30, s. 5.

Form

(2) An application under subsection (1) shall be in a form approved by the Tribunal. 2006, c. 30, s. 5.

Effect of application

(3) An application made by the Commission does not affect the right of a person to make an application under section 34 in respect of the same matter. 2006, c. 30, s. 5.

Applications dealt with together

(4) If a person or organization makes an application under section 34 and the Commission makes an application under this section in respect of the same matter, the two applications shall be dealt with together in the same proceeding unless the Tribunal determines otherwise. 2006, c. 30, s. 5.

Parties
36. The parties to an application under section 34 or 35 are the following:

1. In the case of an application under subsection 34 (1), the person who made the application.
2. In the case of an application under subsection 34 (5), the person on behalf of whom the application is made.
3. In the case of an application under section 35, the Commission.
4. Any person against whom an order is sought in the application.
5. Any other person or the Commission, if they are added as a party by the Tribunal. 2006, c. 30, s. 5.

**Intervention by Commission**

37. (1) The Commission may intervene in an application under section 34 on such terms as the Tribunal may determine having regard to the role and mandate of the Commission under this Act. 2006, c. 30, s. 5.

**Intervention as a party**

(2) The Commission may intervene as a party to an application under section 34 if the person or organization who made the application consents to the intervention as a party. 2006, c. 30, s. 5.

**Disclosure of information to Commission**

38. Despite anything in the *Freedom of Information and Protection of Privacy Act*, at the request of the Commission, the Tribunal shall disclose to the Commission copies of applications and responses filed with the Tribunal and may disclose to the Commission other documents in its custody or in its control. 2006, c. 30, s. 5.

**Powers of Tribunal**

39. The Tribunal has the jurisdiction to exercise the powers conferred on it by or under this Act and to determine all questions of fact or law that arise in any application before it. 2006, c. 30, s. 5.

**Disposition of applications**

40. The Tribunal shall dispose of applications made under this Part by adopting the procedures and practices provided for in its rules or otherwise available to the Tribunal which, in its opinion, offer the best opportunity for a fair, just and expeditious resolution of the merits of the applications. 2006, c. 30, s. 5.

**Interpretation of Part and rules**

41. This Part and the Tribunal rules shall be liberally construed to permit the Tribunal to adopt practices and procedures, including alternatives to traditional adjudicative or adversarial procedures that, in the opinion of the Tribunal, will facilitate fair, just and expeditious resolutions of the merits of the matters before it. 2006, c. 30, s. 5.

**Statutory Powers Procedure Act**

42. (1) The provisions of the *Statutory Powers Procedure Act* apply to a proceeding before the Tribunal unless they conflict with a provision of this Act, the regulations or the Tribunal rules. 2006, c. 30, s. 5.

**Conflict**

(2) Despite section 32 of the *Statutory Powers Procedure Act*, this Act, the regulations and
the Tribunal rules prevail over the provisions of that Act with which they conflict. 2006, c. 30, s. 5.

**Tribunal rules**

**43. (1)** The Tribunal may make rules governing the practice and procedure before it. 2006, c. 30, s. 5.

**Required practices and procedures**

**(2)** The rules shall ensure that the following requirements are met with respect to any proceeding before the Tribunal:

1. An application that is within the jurisdiction of the Tribunal shall not be finally disposed of without affording the parties an opportunity to make oral submissions in accordance with the rules.

2. An application may not be finally disposed of without written reasons. 2006, c. 30, s. 5.

**Same**

**(3)** Without limiting the generality of subsection (1), the Tribunal rules may,

(a) provide for and require the use of hearings or of practices and procedures that are provided for under the Statutory Powers Procedure Act or that are alternatives to traditional adjudicative or adversarial procedures;

(b) authorize the Tribunal to,

   (i) define or narrow the issues required to dispose of an application and limit the evidence and submissions of the parties on such issues, and

   (ii) determine the order in which the issues and evidence in a proceeding will be presented;

(c) authorize the Tribunal to conduct examinations in chief or cross-examinations of a witness;

(d) prescribe the stages of its processes at which preliminary, procedural or interlocutory matters will be determined;

(e) authorize the Tribunal to make or cause to be made such examinations of records and such other inquiries as it considers necessary in the circumstances;

(f) authorize the Tribunal to require a party to a proceeding or another person to,

   (i) produce any document, information or thing and provide such assistance as is reasonably necessary, including using any data storage, processing or retrieval device or system, to produce the information in any form,

   (ii) provide a statement or oral or affidavit evidence, or

   (iii) in the case of a party to the proceeding, adduce evidence or produce witnesses who are reasonably within the party’s control; and

(g) govern any matter prescribed by the regulations. 2006, c. 30, s. 5.

**General or particular**

**(4)** The rules may be of general or particular application. 2006, c. 30, s. 5.

**Consistency**

**(5)** The rules shall be consistent with this Part. 2006, c. 30, s. 5.
Not a regulation

(6) The rules made under this section are not regulations for the purposes of Part III of the Legislation Act, 2006. 2006, c. 30, ss. 5, 11.

Public consultations

(7) The Tribunal shall hold public consultations before making a rule under this section. 2006, c. 30, s. 5.

Failure to comply with rules

(8) Failure on the part of the Tribunal to comply with the practices and procedures required by the rules or the exercise of a discretion under the rules by the Tribunal in a particular manner is not a ground for setting aside a decision of the Tribunal on an application for judicial review or any other form of relief, unless the failure or the exercise of a discretion caused a substantial wrong which affected the final disposition of the matter. 2006, c. 30, s. 5.

Adverse inference

(9) The Tribunal may draw an adverse inference from the failure of a party to comply, in whole or in part, with an order of the Tribunal for the party to do anything under a rule made under clause (3) (f). 2006, c. 30, s. 5.

Tribunal inquiry

44. (1) At the request of a party to an application under this Part, the Tribunal may appoint a person to conduct an inquiry under this section if the Tribunal is satisfied that,

(a) an inquiry is required in order to obtain evidence;

(b) the evidence obtained may assist in achieving a fair, just and expeditious resolution of the merits of the application; and

(c) it is appropriate to do so in the circumstances. 2006, c. 30, s. 5.

Production of certificate

(2) A person conducting an inquiry under this section shall produce proof of their appointment upon request. 2006, c. 30, s. 5.

Entry

(3) A person conducting an inquiry under this section may, without warrant, enter any lands or any building, structure or premises where the person has reason to believe there may be evidence relevant to the application. 2006, c. 30, s. 5.

Time of entry

(4) The power to enter a place under subsection (3) may be exercised only during the place’s regular business hours or, if it does not have regular business hours, during daylight hours. 2006, c. 30, s. 5.

Dwellings

(5) A person conducting an inquiry shall not enter into a place or part of a place that is a dwelling without the consent of the occupant. 2006, c. 30, s. 5.

Powers on inquiry

(6) A person conducting an inquiry may,

(a) request the production for inspection and examination of documents or things that are or may be relevant to the inquiry;

(b) upon giving a receipt for it, remove from a place documents produced in response to a
request under clause (a) for the purpose of making copies or extracts;
(c) question a person on matters that are or may be relevant to the inquiry, subject to the person’s right to have counsel or a personal representative present during such questioning and exclude from the questioning any person who may be adverse in interest to the inquiry;
(d) use any data storage, processing or retrieval device or system used in carrying on business in the place in order to produce a document in readable form;
(e) take measurements or record by any means the physical dimensions of a place;
(f) take photographs, video recordings or other visual or audio recordings of the interior or exterior of a place; and
(g) require that a place or part thereof not be disturbed for a reasonable period of time for the purposes of carrying out an examination, inquiry or test. 2006, c. 30, s. 5.

Written demand
(7) A demand that a document or thing be produced must be in writing and must include a statement of the nature of the document or thing required. 2006, c. 30, s. 5.

Assistance
(8) A person conducting an inquiry may be accompanied by any person who has special, expert or professional knowledge and who may be of assistance in carrying out the inquiry. 2006, c. 30, s. 5.

Use of force prohibited
(9) A person conducting an inquiry shall not use force to enter and search premises under this section. 2006, c. 30, s. 5.

Obligation to produce and assist
(10) A person who is requested to produce a document or thing under clause (6) (a) shall produce it and shall, on request by the person conducting the inquiry, provide any assistance that is reasonably necessary, including assistance in using any data storage, processing or retrieval device or system, to produce a document in readable form. 2006, c. 30, s. 5.

Return of removed things
(11) A person conducting an inquiry who removes any document or thing from a place under clause (6) (b) shall,
(a) make it available to the person from whom it was removed, on request, at a time and place convenient for both that person and the person conducting the inquiry; and
(b) return it to the person from whom it was removed within a reasonable time. 2006, c. 30, s. 5.

Admissibility of copies
(12) A copy of a document certified by a person conducting an inquiry to be a true copy of the original is admissible in evidence to the same extent as the original and has the same evidentiary value. 2006, c. 30, s. 5.

Obstruction
(13) No person shall obstruct or interfere with a person conducting an inquiry under this section. 2006, c. 30, s. 5.
Inquiry report

(14) A person conducting an inquiry shall prepare a report and submit it to the Tribunal and the parties to the application that gave rise to the inquiry in accordance with the Tribunal rules. 2006, c. 30, s. 5.

Transfer of inquiry to Commission

(15) The Commission may, at the request of the Tribunal, appoint a person to conduct an inquiry under this section and the person so appointed has all of the powers of a person appointed by the Tribunal under this section and shall report to the Tribunal in accordance with subsection (14). 2006, c. 30, s. 5.

Deferral of application

45. The Tribunal may defer an application in accordance with the Tribunal rules. 2006, c. 30, s. 5.

Dismissal in accordance with rules

45.1 The Tribunal may dismiss an application, in whole or in part, in accordance with its rules if the Tribunal is of the opinion that another proceeding has appropriately dealt with the substance of the application. 2006, c. 30, s. 5.

Orders of Tribunal: applications under s. 34

45.2 (1) On an application under section 34, the Tribunal may make one or more of the following orders if the Tribunal determines that a party to the application has infringed a right under Part I of another party to the application:

1. An order directing the party who infringed the right to pay monetary compensation to the party whose right was infringed for loss arising out of the infringement, including compensation for injury to dignity, feelings and self-respect.

2. An order directing the party who infringed the right to make restitution to the party whose right was infringed, other than through monetary compensation, for loss arising out of the infringement, including restitution for injury to dignity, feelings and self-respect.

3. An order directing any party to the application to do anything that, in the opinion of the Tribunal, the party ought to do to promote compliance with this Act. 2006, c. 30, s. 5.

Orders under par. 3 of subs. (1)

(2) For greater certainty, an order under paragraph 3 of subsection (1),

(a) may direct a person to do anything with respect to future practices; and

(b) may be made even if no order under that paragraph was requested. 2006, c. 30, s. 5.

Orders of Tribunal: applications under s. 35

45.3 (1) If, on an application under section 35, the Tribunal determines that any one or more of the parties to the application have infringed a right under Part I, the Tribunal may make an order directing any party to the application to do anything that, in the opinion of the Tribunal, the party ought to do to promote compliance with this Act. 2006, c. 30, s. 5.

Same

(2) For greater certainty, an order under subsection (1) may direct a person to do anything with respect to future practices. 2006, c. 30, s. 5.

Matters referred to Commission
45.4 (1) The Tribunal may refer any matters arising out of a proceeding before it to the Commission if, in the Tribunal’s opinion, they are matters of public interest or are otherwise of interest to the Commission. 2006, c. 30, s. 5.

Same

(2) The Commission may, in its discretion, decide whether to deal with a matter referred to it by the Tribunal. 2006, c. 30, s. 5.

Documents published by Commission

45.5 (1) In a proceeding under this Part, the Tribunal may consider policies approved by the Commission under section 30. 2006, c. 30, s. 5.

Same

(2) Despite subsection (1), the Tribunal shall consider a policy approved by the Commission under section 30 in a proceeding under this Part if a party to the proceeding or an intervenor requests that it do so. 2006, c. 30, s. 5.

Stated case to Divisional court

45.6 (1) If the Tribunal makes a final decision or order in a proceeding in which the Commission was a party or an intervenor, and the Commission believes that the decision or order is not consistent with a policy that has been approved by the Commission under section 30, the Commission may apply to the Tribunal to have the Tribunal state a case to the Divisional Court. 2006, c. 30, s. 5.

Same

(2) If the Tribunal determines that the application of the Commission relates to a question of law and that it is appropriate to do so, it may state the case in writing for the opinion of the Divisional Court upon the question of law. 2006, c. 30, s. 5.

Parties

(3) The parties to a stated case under this section are the parties to the proceeding referred to in subsection (1) and, if the Commission was an intervenor in that proceeding, the Commission. 2006, c. 30, s. 5.

Submissions by Tribunal

(4) The Divisional Court may hear submissions from the Tribunal. 2006, c. 30, s. 5.

Powers of Divisional Court

(5) The Divisional Court shall hear and determine the stated case. 2006, c. 30, s. 5.

No stay

(6) Unless otherwise ordered by the Tribunal or the Divisional Court, an application by the Commission under subsection (1) or the stating of a case to the Divisional Court under subsection (2) does not operate as a stay of the final decision or order of the Tribunal. 2006, c. 30, s. 5.

Reconsideration of Tribunal decision

(7) Within 30 days of receipt of the decision of the Divisional Court, any party to the stated case proceeding may apply to the Tribunal for a reconsideration of its original decision or order in accordance with section 45.7. 2006, c. 30, s. 5.

Reconsideration of Tribunal decision

45.7 (1) Any party to a proceeding before the Tribunal may request that the Tribunal reconsider its decision in accordance with the Tribunal rules. 2006, c. 30, s. 5.
Same

(2) Upon request under subsection (1) or on its own motion, the Tribunal may reconsider its decision in accordance with its rules. 2006, c. 30, s. 5.

Decisions final

45.8 Subject to section 45.7 of this Act, section 21.1 of the Statutory Powers Procedure Act and the Tribunal rules, a decision of the Tribunal is final and not subject to appeal and shall not be altered or set aside in an application for judicial review or in any other proceeding unless the decision is patently unreasonable. 2006, c. 30, s. 5; 2009, c. 33, Sched. 2, s. 35 (3).

Settlements

45.9 (1) If a settlement of an application made under section 34 or 35 is agreed to in writing and signed by the parties, the settlement is binding on the parties. 2006, c. 30, s. 5.

Consent order

(2) If a settlement of an application made under section 34 or 35 is agreed to in writing and signed by the parties, the Tribunal may, on the joint motion of the parties, make an order requiring compliance with the settlement or any part of the settlement. 2006, c. 30, s. 5.

Application where contravention

(3) If a settlement of an application made under section 34 or 35 is agreed to in writing and signed by the parties, a party who believes that another party has contravened the settlement may make an application to the Tribunal for an order under subsection (8),

(a) within six months after the contravention to which the application relates; or

(b) if there was a series of contraventions, within six months after the last contravention in the series. 2006, c. 30, s. 5.

Late applications

(4) A person may apply under subsection (3) after the expiry of the time limit under that subsection if the Tribunal is satisfied that the delay was incurred in good faith and no substantial prejudice will result to any person affected by the delay. 2006, c. 30, s. 5.

Form of application

(5) An application under subsection (3) shall be in a form approved by the Tribunal. 2006, c. 30, s. 5.

Parties

(6) Subject to the Tribunal rules, the parties to an application under subsection (3) are the following:

1. The parties to the settlement.

2. Any other person or the Commission, if they are added as a party by the Tribunal. 2006, c. 30, s. 5.

Intervention by Commission

(7) Section 37 applies with necessary modifications to an application under subsection (3). 2006, c. 30, s. 5.

Order

(8) If, on an application under subsection (3), the Tribunal determines that a party has contravened the settlement, the Tribunal may make any order that it considers appropriate to remedy the contravention. 2006, c. 30, s. 5.
Annual report

45.10 (1) The Tribunal shall make a report to the Minister not later than June 30 in each year upon the affairs of the Tribunal during the year ending on March 31 of that year. 2006, c. 30, s. 5.

Report laid in Assembly

(2) The Minister shall submit the report to the Lieutenant Governor in Council who shall cause the report to be laid before the Assembly if it is in session or, if not, at the next session. 2006, c. 30, s. 5.

PART IV.1
HUMAN RIGHTS LEGAL SUPPORT CENTRE

Centre established

45.11 (1) A corporation without share capital is established under the name Human Rights Legal Support Centre in English and Centre d’assistance juridique en matière de droits de la personne in French. 2006, c. 30, s. 6.

Membership

(2) The members of the Centre shall consist of its board of directors. 2006, c. 30, s. 6.

Not a Crown agency

(3) The Centre is not an agent of Her Majesty nor a Crown agent for the purposes of the Crown Agency Act. 2006, c. 30, s. 6.

Powers of natural person

(4) The Centre has the capacity and the rights, powers and privileges of a natural person, subject to the limitations set out in this Act or the regulations. 2006, c. 30, s. 6.

Independent from but accountable to Ontario

(5) The Centre shall be independent from, but accountable to, the Government of Ontario as set out in this Act. 2006, c. 30, s. 6.

Objects

45.12 The objects of the Centre are,

(a) to establish and administer a cost-effective and efficient system for providing support services, including legal services, respecting applications to the Tribunal under Part IV;

(b) to establish policies and priorities for the provision of support services based on its financial resources. 2006, c. 30, s. 6.

Provision of support services

45.13 (1) The Centre shall provide the following support services:

1. Advice and assistance, legal and otherwise, respecting the infringement of rights under Part I.

2. Legal services in relation to,
   i. the making of applications to the Tribunal under Part IV,
   ii. proceedings before the Tribunal under Part IV,
   iii. applications for judicial review arising from Tribunal proceedings,
iv. stated case proceedings,
v. the enforcement of Tribunal orders.

3. Such other services as may be prescribed by regulation. 2006, c. 30, s. 6.

Availability of services

(2) The Centre shall ensure that the support services are available throughout the Province, using such methods of delivering the services as the Centre believes are appropriate. 2006, c. 30, s. 6.

Board of directors

45.14 (1) The affairs of the Centre shall be governed and managed by its board of directors. 2006, c. 30, s. 6.

Composition and appointment

(2) The board of directors of the Centre shall consist of no fewer than five and no more than nine members appointed by the Lieutenant Governor in Council in accordance with the regulations. 2006, c. 30, s. 6.

Appointment of Chair

(3) A Chair designated by the Lieutenant Governor in Council will preside at meetings. 2006, c. 30, s. 6.

Remuneration

(4) The board of directors may be remunerated as determined by the Lieutenant Governor in Council. 2006, c. 30, s. 6.

Duties

(5) The board of directors of the Centre shall be responsible for furthering the objects of the Centre. 2006, c. 30, s. 6.

Delegation

(6) The board of directors may delegate any power or duty to any committee, to any member of a committee or to any officer or employee of the Centre. 2006, c. 30, s. 6.

Same

(7) A delegation shall be in writing and shall be on the terms and subject to the limitations, conditions or requirements specified in it. 2006, c. 30, s. 6.

Board to act responsibly

(8) The board of directors shall act in a financially responsible and accountable manner in exercising its powers and performing its duties. 2006, c. 30, s. 6.

Standard of care

(9) Members of the board of directors shall act in good faith with a view to the objects of the Centre and shall exercise the care, diligence and skill of a reasonably prudent person. 2006, c. 30, s. 6.

Government funding

45.15 (1) The Centre shall submit its annual budget to the Minister for approval every year in a manner and form, and at a time, specified in the regulations. 2006, c. 30, s. 6.

Approved budget included in estimates

(2) If approved by the Minister, the annual budget shall be submitted to Cabinet to be reviewed for inclusion in the estimates of the Ministry. 2006, c. 30, s. 6.
Appropriation by Legislature

(3) The money required for the purposes of this Act shall be paid out of such money as is appropriated therefor by the Legislature. 2006, c. 30, s. 6.

Centre’s money not part of Consolidated Revenue Fund

45.16 The Centre’s money and investments do not form part of the Consolidated Revenue Fund and shall be used by the Centre in carrying out its objects. 2006, c. 30, s. 6.

Annual report

45.17 (1) The Centre shall submit an annual report to the Minister within four months after the end of its fiscal year. 2006, c. 30, s. 6.

Fiscal year

(2) The fiscal year of the Centre shall be from April 1 to March 31 of the following year. 2006, c. 30, s. 6.

Audit

45.18 (1) The Centre must ensure that its books of financial account are audited annually in accordance with generally accepted accounting principles and a copy of the audit is given to the Minister. 2006, c. 30, s. 6.

Audit by Minister

(2) The Minister has the right to audit the Centre at any time that the Minister chooses. 2006, c. 30, s. 6.

PART V
GENERAL

Definitions, general

46. In this Act,

“Commission” means the Ontario Human Rights Commission; (“Commission”)

“Minister” means the member of the Executive Council to whom the powers and duties of the Minister under this Act are assigned by the Lieutenant Governor in Council; (“ministre”)

“person” in addition to the extended meaning given it by Part VI (Interpretation) of the Legislation Act, 2006, includes an employment agency, an employers’ organization, an unincorporated association, a trade or occupational association, a trade union, a partnership, a municipality, a board of police commissioners established under the Police Act, being chapter 381 of the Revised Statutes of Ontario, 1980, and a police services board established under the Police Services Act; (“personne”)

“regulations” means the regulations made under this Act; (“règlements”)

“Tribunal” means the Human Rights Tribunal of Ontario continued under section 32; (“Tribunal”)

“Tribunal rules” means the rules governing practice and procedure that are made by the Tribunal under section 43. (“règles du Tribunal”) R.S.O. 1990, c. H.19, s. 46; 1994, c. 27, s. 65 (24); 2002, c. 18, Sched. C, s. 7; 2006, c. 21, Sched. F, s. 136 (2); 2006, c. 30, s. 7.

Civil remedy

46.1 (1) If, in a civil proceeding in a court, the court finds that a party to the proceeding has infringed a right under Part I of another party to the proceeding, the court may make either of
the following orders, or both:

1. An order directing the party who infringed the right to pay monetary compensation to the party whose right was infringed for loss arising out of the infringement, including compensation for injury to dignity, feelings and self-respect.

2. An order directing the party who infringed the right to make restitution to the party whose right was infringed, other than through monetary compensation, for loss arising out of the infringement, including restitution for injury to dignity, feelings and self-respect. 2006, c. 30, s. 8.

Same

(2) Subsection (1) does not permit a person to commence an action based solely on an infringement of a right under Part I. 2006, c. 30, s. 8.

Penalty

46.2 (1) Every person who contravenes section 9 or subsection 31 (14), 31.1 (8) or 44 (13) or an order of the Tribunal is guilty of an offence and on conviction is liable to a fine of not more than $25,000. 2006, c. 30, s. 8.

Consent to prosecution

(2) No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Attorney General. 2006, c. 30, s. 8.

Acts of officers, etc.

46.3 (1) For the purposes of this Act, except subsection 2 (2), subsection 5 (2), section 7 and subsection 46.2 (1), any act or thing done or omitted to be done in the course of his or her employment by an officer, official, employee or agent of a corporation, trade union, trade or occupational association, unincorporated association or employers' organization shall be deemed to be an act or thing done or omitted to be done by the corporation, trade union, trade or occupational association, unincorporated association or employers' organization. 2006, c. 30, s. 8.

Opinion re authority or acquiescence

(2) At the request of a corporation, trade union, trade or occupational association, unincorporated association or employers' organization, the Tribunal in its decision shall make known whether or not, in its opinion, an act or thing done or omitted to be done by an officer, official, employee or agent was done or omitted to be done with or without the authority or acquiescence of the corporation, trade union, trade or occupational association, unincorporated association or employers' organization, and the opinion does not affect the application of subsection (1). 2006, c. 30, s. 8.

Act binds Crown

47. (1) This Act binds the Crown and every agency of the Crown. R.S.O. 1990, c. H.19, s. 47 (1).

Act has primacy over other Acts

(2) Where a provision in an Act or regulation purports to require or authorize conduct that is a contravention of Part I, this Act applies and prevails unless the Act or regulation specifically provides that it is to apply despite this Act. R.S.O. 1990, c. H.19, s. 47 (2).

Regulations

48. (1) The Lieutenant Governor in Council may make regulations,
(a) prescribing standards for assessing what is undue hardship for the purposes of section 11, 17 or 24;

(a.1) prescribing the manner in which income information, credit checks, credit references, rental history, guarantees or other similar business practices may be used by a landlord in selecting prospective tenants without infringing section 2, and prescribing other similar business practices and the manner of their use, for the purposes of subsection 21 (3);

(b) prescribing matters for the purposes of clause 43 (3) (g);

(c) respecting the Human Rights Legal Support Centre;

(d) governing any matter that is necessary or advisable for the effective enforcement and administration of this Act.

(e) Repealed: 2006, c. 30, s. 9 (1).

R.S.O. 1990, c. H.19, s. 48; 1994, c. 27, s. 65 (25); 1997, c. 24, s. 212 (2); 2006, c. 30, s. 9 (1).

Human Rights Legal Support Centre
(2) A regulation made under clause (1) (c) may,

(a) further define the Centre’s constitution, management and structure as set out in Part IV.1;

(b) prescribe powers and duties of the Centre and its members;

(c) provide for limitations on the Centre’s powers under subsection 45.11 (4);

(d) prescribe services for the purposes of paragraph 3 of subsection 45.13 (1);

(e) further define the nature and scope of support services referred to in subsection 45.13 (1);

(f) provide for factors to be considered in appointing members and specify the circumstances and manner in which they are to be considered;

(g) provide for the term of appointment and reappointment of the Centre’s members;

(h) provide for the nature and scope of the annual report required under section 45.17;

(i) provide for reporting requirements in addition to the annual report;

(j) provide for personal information to be collected by or on behalf of the Centre other than directly from the individual to whom the information relates, and for the manner in which the information is collected;

(k) provide for the transfer from specified persons or entities of information, including personal information, that is relevant to carrying out the functions of the Centre;

(l) provide for rules governing the confidentiality and security of information, including personal information, the collection, use and disclosure of such information, the retention and disposal of such information, and access to and correction of such information, including restrictions on any of these things, for the purposes of the carrying out of the functions of the Centre;

(m) specify requirements and conditions for the funding of the Centre and for the Centre’s budget;
(n) provide for audits of the statements and records of the Centre;

(o) determine whether or not the Business Corporations Act, the Corporations Information Act or the Corporations Act or any provisions of those Acts apply to the Centre;

(p) provide for anything necessary or advisable for the purposes of Part IV. 1. 2006, c. 30, s. 9 (2).

PART VI
TRANSITIONAL PROVISIONS

Definitions

49. In this Part,

“effective date” means the day sections 4 and 5 of the Human Rights Code Amendment Act, 2006 come into force; (“date d’effet”)

“new Part IV” means Part IV as it reads on and after the effective date; (“nouvelle partie IV”)

“old Part IV” means Part IV as it reads before the effective date. (“ancienne partie IV”) 2006, c. 30, s. 10.

Orders respecting special programs

50. On the fifth anniversary of the effective date, all orders that were made by the Commission under subsection 14 (2) before the effective date shall be null and void. 2006, c. 30, s. 10.

Application of s. 32 (3)

51. Subsection 32 (3) applies to the selection and appointment of persons to the Tribunal on or after the day section 10 of the Human Rights Code Amendment Act, 2006 comes into force. 2006, c. 30, s. 10.

Tribunal powers before effective date

52. (1) Despite anything to the contrary in the old Part IV, the Tribunal may, before the effective date,

(a) make rules in accordance with the new Part IV, including rules with respect to the reconsideration of Tribunal decisions; and

(b) when dealing with complaints that are referred to it under section 36 of the old Part IV,

(i) deal with the complaint in accordance with the practices and procedures set out in the rules made under clause (a),

(ii) exercise the powers described in section 39 of the new Part IV, and

(iii) dispose of the complaint in accordance with section 40 of the new Part IV. 2006, c. 30, s. 10.

Application

(2) Sections 41 and 42 of the new Part IV apply to rules made under clause (1) (a). 2006, c. 30, s. 10.

Tribunal decisions made before effective date

(3) Despite anything in the old Part IV, the following applies before the effective date with respect to a complaint that is referred to the Tribunal by the Commission under section 36 of the old Part IV on or after the day section 10 of the Human Rights Code Amendment Act, 2006 comes into force.

into force:

1. Section 42 of the old Part IV does not apply to a decision of the Tribunal made with respect to the complaint.

2. Sections 45.7 and 45.8 of the new Part IV apply to a decision of the Tribunal made with respect to the complaint. 2006, c. 30, s. 10.

**Complaints before Commission on effective date**

53. (1) This section applies to a complaint filed with the Commission under subsection 32 (1) of the old Part IV or initiated by the Commission under subsection 32 (2) of the old Part IV before the effective date. 2006, c. 30, s. 10.

**Commission powers continued for six months**

(2) Subject to subsection (3) and despite the repeal of the old Part IV, during the six-month period that begins on the effective date, the Commission shall continue to deal with complaints referred to in subsection (1) in accordance with subsection 32 (3) and sections 33, 34, 36, 37 and 43 of the old Part IV and, for that purpose,

(a) the Commission has all the powers described in subsection 32 (3) and sections 33, 34, 36, 37 and 43 of the old Part IV; and

(b) the provisions referred to in clause (a) continue to apply with respect to the complaints, with necessary modifications. 2006, c. 30, s. 10.

**Applications to Tribunal during six-month period**

(3) Subject to subsection (4), at any time during the six-month period referred to in subsection (2), the person who made a complaint that is continued under that subsection may, in accordance with the Tribunal rules, elect to abandon the complaint and make an application to the Tribunal with respect to the subject-matter of the complaint. 2006, c. 30, s. 10.

**Expedited process**

(4) The Tribunal shall make rules with respect to the practices and procedures that apply to an application under subsection (3) in order to ensure that the applications are dealt with in an expeditious manner. 2006, c. 30, s. 10.

**Applications to Tribunal after six-month period**

(5) If, after the end of the six-month period referred to in subsection (2), the Commission has failed to deal with the merits of a complaint continued under that subsection and the complaint has not been withdrawn or settled, the complainant may make an application to the Tribunal with respect to the subject-matter of the complaint within a further six-month period after the end of the earlier six-month period. 2006, c. 30, s. 10.

**New Part IV applies**

(6) The new Part IV applies to an application made under subsections (3) and (5). 2006, c. 30, s. 10.

**Disclosure of information**

(7) Despite anything in the Freedom of Information and Protection of Privacy Act, at the request of a party to an application under subsection (3) or (5), the Commission may disclose to the party any information obtained by the Commission in the course of an investigation. 2006, c. 30, s. 10.

**Application barred**
(8) No application, other than an application under subsection (3) or (5), may be made to the Tribunal if the subject-matter of the application is the same or substantially the same as the subject-matter of a complaint that was filed with the Commission under the old Part IV. 2006, c. 30, s. 10.

Settlements effected by Commission

54. Section 45.9 of the new Part IV applies to the enforcement of a settlement that,

(a) was effected by the Commission under the old Part IV before the effective date or during the six-month period referred to in subsection 53 (2); and

(b) was agreed to in writing, signed by the parties and approved by the Commission. 2006, c. 30, s. 10.

Where complaints referred to Tribunal

55. (1) This section applies to complaints that are referred to the Tribunal by the Commission under section 36 of the old Part IV before the effective date or during the six-month period referred to in subsection 53 (2). 2006, c. 30, s. 10.

New Part IV applies

(2) On and after the effective date, the new Part IV applies to a complaint described in subsection (1) as though it were an application made to the Tribunal under that Part and the Tribunal shall deal with the complaint in accordance with the new Part IV. 2006, c. 30, s. 10.

Parties

(3) The Commission,

(a) shall continue to be a party to a complaint that was referred to the Tribunal before the effective date; and

(b) subject to subsection (4), shall not be a party to a complaint referred to the Tribunal during the six-month period referred to in subsection 53 (2). 2006, c. 30, s. 10.

Same, exceptions

(4) The Commission shall continue as a party to a complaint that was referred to the Tribunal during the six-month period referred to in subsection 53 (2) if,

(a) the complaint was initiated by the Commission under subsection 32 (2) of the old Part IV; or

(b) the Tribunal sets a date for the parties to appear before the Tribunal before the end of the six-month period. 2006, c. 30, s. 10.

Same

(5) Nothing in subsection (3) shall prevent,

(a) the Tribunal from adding the Commission as a party to a proceeding under section 36 of the new Part IV; or

(b) the Commission from intervening in a proceeding with respect to a complaint described in subsection (1). 2006, c. 30, s. 10.

Regulations, transitional matters

56. (1) The Lieutenant Governor in Council may make regulations providing for transitional matters which, in the opinion of the Lieutenant Governor in Council, are necessary or desirable to facilitate the implementation of the Human Rights Code Amendment Act, 2006. 2006,
c. 30, s. 10.

Same

(2) Without limiting the generality of subsection (1), the Lieutenant Governor in Council may make regulations,

(a) providing for transitional matters relating to the changes to the administration and functions of the Commission;

(b) dealing with any problems or issues arising as a result of the repeal or enactment of a provision of this Act by the Human Rights Code Amendment Act, 2006. 2006, c. 30, s. 10.

Same

(3) A regulation under this section may be general or specific in its application. 2006, c. 30, s. 10.

Conflicts

(4) If there is a conflict between a provision in a regulation under this section and any provision of this Act or of any other regulation made under this Act, the regulation under this section prevails. 2006, c. 30, s. 10.

Review

57. (1) Three years after the effective date, the Minister shall appoint a person who shall undertake a review of the implementation and effectiveness of the changes resulting from the enactment of that Act. 2006, c. 30, s. 10.

Public consultations

(2) In conducting a review under this section, the person appointed under subsection (1) shall hold public consultations. 2006, c. 30, s. 10.

Report to Minister

(3) The person appointed under subsection (1) shall prepare a report on his or her findings and submit the report to the Minister within one year of his or her appointment. 2006, c. 30, s. 10.