

SECTION 29

Policy: Accessibility for Individuals with Disabilities

Effective Date: March 20th, 2012

Revised:

Purpose: *The Accessibility for Ontarians with Disabilities Act, 2005 (AODA) is Provincial legislation that allows the government to develop specific standards of accessibility and to enforce them. The goal is to create standards to improve accessibility across the province. The AODA is the foundation on which standards will be built to improve accessibility across the Province.*

DEFINITIONS OF DISABILITY

- 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, epilepsy, diabetes mellitus, a brain injury, or any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impairment, muteness or speech impediment, hearing impairment or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device;
- A condition of mental impairment or a developmental disability;
- A learning disability or a dysfunctional in on or more of the processes involved in understanding or using symbols or spoken language;
- A mental disorder; or
- An injury or disability for which benefits were claimed or received under the insurance place established under the Workplace Safety and Insurance Act, 1997.

STATEMENT OF COMMITMENT

In accordance with our commitment to social justice and the provisions of the Accessibility for Ontarians with Disabilities Act, the John Howard Society of Ottawa is committed to ensuring our services are accessible to individuals with disabilities.

All reasonable efforts will be taken to ensure that our services will be provided in a manner that:

- Respects the dignity and independence of the person with a disability and promotes their integration into the life of the community;

- Provides persons with disabilities with equal opportunity to obtain, use and benefit from the services of the John Howard Society of Ottawa, in the same place and in the same way as other persons subject to such accommodations as may be required by the individual's disability;
- Ensures communications with any person at the John Howard Society of Ottawa with a disability are conducted in a manner that takes the individual's disability into account;
- Welcomes the use of any assistive devices, service animals and support persons as may be necessary to facilitate the provision of services to a person with a disability.

SCOPE

The Policy will be enforced within all premises in the exclusive control of the John Howard Society of Ottawa and to the extent reasonably possible where activities related to the work of John Howard Society of Ottawa take place. These include:

- Offices, lunch rooms and other John Howard Society of Ottawa property;
- Events associated with partner agencies and including off-site activities;
- External work assignments, work-related conferences, training sessions, travel or social gatherings; or
- Activities in other locations where violence or threats of violence may have a subsequent impact on the work relationship, performance or environment.

Timelines

Any complaints must be reported within one (1) year of the most recent alleged harassing behaviour. A complaint outside this time frame may be considered by consulting Management of Board of Directors.

Confidentiality

It is the duty of the supervisory and managerial personnel to maintain confidentiality in the complaint process. All complainants, respondents and other persons involved with the complaint processes under the procedures will ensure that all matters remain confidential. Witnesses of any unfair treatment should be informed that supervisory and managerial personnel, in obtaining a statement, will maintain such statement in strict confidence, subject to their ability to conduct a full and thorough investigation.

Notwithstanding the above, procedural fairness requires that the respondent to a complaint be apprised of the nature of the complaint and by whom it has been made so that they have an opportunity to respond to the allegations. This may require the disclosure of witness names and statements to the parties.

John Howard Society may be required to provide information obtained during an investigation to an outside agency, such as police services, court or tribunal.

Records

All correspondence and other documents generated under these procedures must be marked "PRIVATE AND CONFIDENTIAL" and be stored in a locked and secure file.

Employee Protection

As part of an employee's right to freedom from unfair treatment, any employee who complains, or acts as a witness in good faith, is protected from reprisal, the threat of reprisal, or further unfair treatment. Reprisal is defined as any act of retaliation, either direct or indirect. In circumstances in which a complaint has been made in bad faith, the Executive Director will consult with the individual regarding appropriate disciplinary action.

Responsibilities of Employer

John Howard Society of Ottawa is committed to creating and maintaining a supportive work environment free of any form of unfair treatment and which supports the standards set by the *Ontario Human Rights Code*;

The directors and supervisors are responsible for preventing and discouraging unfair treatment by:

- *Understanding and upholding the principles of the Ontario Human Rights Code;*
- *Ensuring that all employees are treated with dignity and respect;*
- *Not engaging or allowing behaviour that is contrary to the Ontario Human Rights Code;*
- *Creating and maintaining an unfair treatment-free work and service environment for all employees;*
- *Communicating the objectives of this unfair treatment policy;*
- *Taking all complaints of unfair treatment seriously;*
- *Responding to all complaints in a sensitive manner;*
- *Investigating all allegations thoroughly;*
- *Taking prompt action to resolve the situation;*
- *Upholding confidentiality for all parties involved.*

All members of management team have authority and obligation to prevent or discourage unfair treatment will be held responsible for failing to use this authority.

Responsibilities of John Howard Society of Ottawa Employee

All employees have a responsibility not to harass any other employee. Employees who experience unfair treatment are encouraged to make it known to the individual that their behaviour is offensive. An employee that has faced unfair treatment is also encouraged to report the incident of unfair treatment to responsible parties. Employees who witness unfair treatment, or who become aware that an employee is being harassed are encouraged to report the incident of unfair treatment to responsible parties. Employees who engage in unfair treatment of other employees or members of the community may face disciplinary action or possible termination.

Complaint Procedure

Employees who experience unfair treatment are encouraged to make it known that the behaviour is offensive and contrary to the Ontario *Human Rights Code* and the Society policy. If confronting the individual(s) directly is not possible (or behaviour continues) the employee should:

- *Report the unfair treatment to their supervisor, or;*
- *Report the unfair treatment to any other member of management, or;*
- *In the case of a complaint against the Executive Director, report the unfair treatment to the President, Board of Directors.*

If this process is unavailable or inappropriate, complaints may be made to:

- *The Executive Director, or;*
- *In the case of a complaint against the Executive Director, report the unfair treatment to the President, Board of Directors.*

Any employee has a right to file a complaint directly to the Ontario Human Rights Tribunal. Complaint documentation will not become part of the complainant's employee or performance record, except in situations where complaints have been made in bad faith.

Complaint Investigation and Resolution

The complaint procedure sets out a number of avenues for reporting incidents of unfair treatment. Once a complaint is reported by an employee, immediate action will be taken as follows:

- *The complaint must be documented and immediately forwarded to the Executive Director;*
- *If the complaint is made to the supervisor of the work area where the incident(s) occurred, appropriate action must be taken. Advice or assistance should be obtained from the Executive Director. Upon notification of the complaint, the Executive Director may intervene in the investigation or recommend mediation;*
- *If the complaint is made to any other member of management, it must be documented and immediately referred to the Executive Director, who will ensure that appropriate action is taken;*
- *Interdepartmental complaints must be reported to the Executive Director in order to ensure that there is appropriate action and follow-up.*

All complaints of unfair treatment must be acted upon to determine the nature and circumstances of the incident(s) and to determine appropriate resolution. Investigations must be conducted in accordance with the procedures set out in the John Howard Society of Ottawa policy manual, which may be obtained by contacting the Executive Director. At any time during the complaint process the Executive Director may recommend mediation in order to resolve the dispute, and will proceed if both the complaint(s) and the respondent(s) are in agreement. The Executive Director will retain control of the mediation process. Although mediation is a confidential process the Executive Director will provide information about specific mediations when required by law;

Employees who are harassed, or witness unfair treatment towards a fellow employee, must not ignore it. The individuals should keep a record of the details including dates, witnesses, etc. Witnesses must understand that confidentiality will be maintained to the extent possible and that efforts will be made to protect employee against retaliation or punishment;

Disciplinary actions taken regarding an unfair treatment complaint will be in accordance with the John Howard Society of Ottawa specific discipline policy;

In cases where the complaint is against the Executive Director, the complaint should be made to the President, Board of Directors.

Other Sources of Information Regarding Unfair Treatment

Further information regarding unfair treatment can be found in the Ontario Human Rights Code and the Accessibility of Ontarians with Disabilities Act, 2005 (AODA).

Other Information

For any additional information, or to voice a concern, contact the Executive Director of the Society's Board President.