

The Ontario Human Rights Code, The Accessibility for Ontarians with Disabilities Acts, and The Occupational Health And Safety Act: Understanding Our Obligations And Responsibilities

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Associate Provost, Campus Support and Accessibility



Agenda

- Introducing the Office of the Associate Provost, Campus Support and Accessibility
 - Understanding our Statutory obligations
 - I. The Ontario Human Rights Code
 - II. The Accessibility for Ontarians with Disabilities Act
 - III. The Occupational Health and Safety Act
 - Reframing our obligations
 - Summary
- About
 - Related legislations and policies
 - Our obligations and your specific roles
 - Available supports

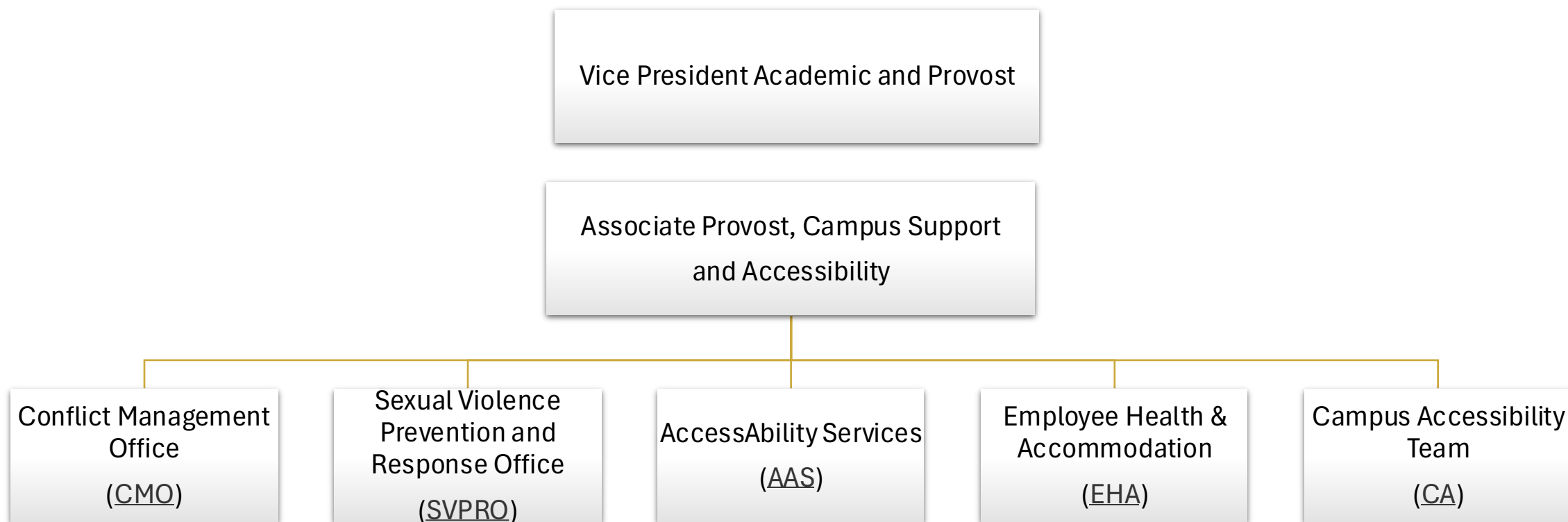
ABOUT THE OFFICE OF THE ASSOCIATE PROVOST, CAMPUS SUPPORT AND ACCESSIBILITY (AP, CSA)

The Office of the AP, CSA

- The AP, CSA unit aligns the offices offering supports and services that:
 - promote employee health and wellness,
 - centrally manage accommodations and accessibility, and
 - offers supports for those experiencing conflict, discrimination, harassment, and sexual violence.
- The Office work strategically and collaboratively to co-create an accessible and compassionate campus that respects, protects, and promotes our collective rights and wellbeing.



Organizational Structure



THE ONTARIO HUMAN RIGHTS CODE (THE CODE)

- About / Related mandates, legislations and policies
- Our obligations and your specific roles
- Available supports

The Ontario Human Rights Code

About

- The Ontario Human Rights Code is provincial law that guarantees equal rights and opportunities for all.
- It prohibits actions that discriminate against people based on a protected ground (e.g., disability, family status, creed) in a protected social areas (e.g., employment, housing, and services like education).

Related Legislations and University Policies

- Bill 132, Sexual Violence and Harassment Action Plan Act
- O. Reg. 131/16: Sexual Violence At Colleges And Universities
- Bill 18, Consent Awareness Week Act
- Bill 26, Strengthening Post-secondary Institutions and Students Act
- Ontarians with Disabilities Act
- AFSD Ministry service agreement
- Occupational Health and Safety Act
- Policy 61 – Religious Accommodations
- Policy 33 - Ethical Behavior
- Policy 42 - Preventing and Responding to Sexual Violence
- Policy 67 - Employee Assistance Program
- Policy 58 - Accessibility
- Student Academic Accommodation Guidelines
- (Employee) Disability Accommodation Guidelines
- Policy 39 – Leaves of Absence for staff members

The Ontario Human Rights Code

Our obligations	Your specific role
<p><u>A duty to accommodate:</u></p> <p>To ensure the provision of reasonable accommodations (proactively and retroactively) to the point of undue hardship.</p>	<ul style="list-style-type: none">• Participate in the employee accommodation process (Chairs/Deans; AD's)• Facilitate student accommodation disputes – understand/apply undue hardship (Chairs)• Support program-level student accommodations (AD's)• Appropriately manage student retroactive accommodation requests (AD's)• Promote availability of accommodations to students and employees in processes/materials (all)• Protect privacy and confidentiality to the greatest extent possible (all)• Promote awareness of student and employee related policies and guidelines (all).
<p><u>A duty to inquire:</u></p> <p>To inquire into accommodation needs if you suspect they may be needed, particularly prior to imposing a negative consequence.</p>	<ul style="list-style-type: none">• Appropriately respond to disclosures of sexual/gender-based violence or Code-based needs (all)• <u>Refer</u> student and employees to accommodation services when suspected (all)• <u>Inquire</u> into accommodation needs when identifying concerning student or employee behaviour or facilitating processes (all).
<p>A duty to address incidents of discrimination or harassment promptly and fairly</p>	<ul style="list-style-type: none">• Help create an environment free from discrimination and harassment (all)• Appropriately respond to disclosures of harm, discrimination, harassment violence (all)

The Ontario Human Rights Code

Available Supports

AccessAbility Services & Employee Health and Accommodation Office	Verify eligibility for accommodations - Guidance on appropriate accommodations
	Facilitate accommodation disputes - Help negotiate accommodations/ examine undue hardship
	Implement “behaviour accommodation and support plans”. - Guidance on complex cases
	Receive referrals and provide support - Guidance/training on <u>duty to inquire</u>
Sexual Violence Prevention and Response Office	Receive referrals and provide support (those harmed and accused - Guidance on duty to inquire
	Support to those who received a disclosure – Guidance/training on responding to disclosures
Conflict Management Office	Help you prevent, identifying and address workplace concerns proactively, and restore the workplace following the resolution of formal complaints.

THE ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT (AODA)

- About / Related mandates, Legislations and Policies
- Obligations and Roles
- Available supports

The AODA

About

- The AODA was enacted in 2005 and is an Ontario law mandating that organizations must follow standards to become fully accessible by 2025.
- There are currently 5 standards: 1. Information & Communication. 2. Transportation. 3. Customer Service. 4. Employment. 5. Design of public spaces
- In 2018, the Ontario Government committed to the development of an education standard under the AODA. 185 Recommendations were presented to the Ministry but are not yet codified.

Related Legislations and University Policies

- Blind Persons' Rights Act, R.S.O. 1990, c. B.7
- Ontario's Builders code
- Service Animal Verification Guidelines
- PSE Education Standard Recommendations
- Policy 58 - Accessibility
- Policy 56 – Equity in Employment

The AODA

Our obligations	Your specific role
<p>Ensure training is provided on the AODA’s requirements and on the <i>Human Rights Code</i> (as it pertains to persons with disabilities)</p>	<ul style="list-style-type: none">• Complete the mandatory AODA training in LEARN (all)• Ensure all direct reports complete <u>mandatory training</u> in LEARN (all)
<p>Ensure “educational or training resources or materials” are provided in an accessible format upon request</p>	<ul style="list-style-type: none">• Promote collaboration with AccessAbility Services to ensure the appropriate and timely provision of alternate format production (All).• Support alternate format production of any educational or training resources or materials for direct reports.
<p>Inform employees of policies and available supports that enable accessibility and accommodations</p>	<ul style="list-style-type: none">• Inform employees of accessibility policies/ available accommodation supports

The AODA

Support Services

Campus Accessibility team (Office of the AP, CSA)	Help identify obligations within your purview
	Help strategize on how to effectively meet compliance (and go above)
	Receive questions (“referrals”) about campus accessibility and provide support
AccessAbility Services	Assist with the provision of alternate formats of course materials (students)

THE OCCUPATIONAL HEALTH AND SAFETY ACT (OHSA)

- About / Related mandates, Legislations and Policies
- Obligations and Roles
- Available supports

The OHSA

About

- OHSA is Ontario's legislation governing workplace health and safety
- Provide a legal framework to achieve our goal of protecting workers from health and safety hazards on the job
- Mandates that employers take reasonable steps to prevent and address workplace harassment, identifying responsibilities of all involved to maintain a safe and respectful work environment.

Related Legislations and University Policies

- Criminal code
- Workplace Harassment Program
- Workplace Safety and Insurance Act 1997
- Disability Accommodation Guidelines (employee)
- Policy 42 - Preventing and Responding to Sexual Violence
- Policy 33 - Ethical Behavior
- Policy 34 – Health, Safety, and Environment
- Policy 36 – Dispute Resolution for University Support Staff

The OHSA

Our obligations	Your specific role
<p>Must establish a workplace harassment program (including measures for how incidents are reported and managed), ensuring workers are informed of the program.</p>	<ul style="list-style-type: none">• Know your role in the workplace harassment program . Optional: "Harassment and Discrimination in the Workplace: A primer for UW Employees " (course on LEARN).• Recognize and address unwanted behaviours early• Serve as a decision-maker when allegations of workplace harassment arise within your facilities and departments (Deans, AD's, designates).
<p>Employers who are aware of domestic violence that could expose a worker to physical injury in the workplace must take every precaution to protect the worker (e.g., investigate and deal with these concerns. determine interim measures for support)</p>	<ul style="list-style-type: none">• Appropriately respond to disclosures of sexual/gender-based violence (all)• Seek support from SVPRO on how to appropriately support employee (all)

The OHSA

Support Services

Conflict Management Office	Guidance on conducting preliminary assessments prior to investigation
	Investigative services / support selecting and coordinating with an external investigator
	Help managers recognize, prevent and respond to conflict prior to formal complaints.
	Workplace restoration services to address impact of conflict, complaint or incident.
	Workplace Assessments : Help identify underlying issues and areas for improvement.
Sexual Violence Prevention and Response Office	Offer direct support to anyone experiencing sexual/gender-based violence
	Receive referrals and provide support
	Support to those who received a disclosure (offers disclosure training)

REFRAMING OUR COMMITMENTS

THE ROOT OF THIS WORK

Your leadership in operationalizing our obligations is integral for compliance, but more importantly, to help create a safe, healthy, equitable and accessible campus environment for all.

We can help you, every step of the way, in upholding these obligations and responsibilities.

“Our impact is vast, and so is our responsibility – to each other, to the community and the environment.”



KEY RESPONSIBILITIES - SUMMARY

- ❑ Enable and uphold accommodations by participating in the accommodation process (AAS/EHA)
- ❑ Inquire into people's need for accommodations and refer appropriately (AAS/EHA)
- ❑ Promote availability of accommodations and related policies/guidelines
- ❑ Promote completion of mandatory AODA training (CA)
- ❑ Learn and promote strategies to effectively receive disclosures (SVPRO/AAS/EHA)
- ❑ Seek support from these offices on matters pertaining to these obligations (SVPRO/EHA/AAS/CMO/CA)
- ❑ Promote an environment free from harassment, discrimination and violence
 - ❑ Recognize/address unwanted behaviours and conflict early and proactively (CMO/SVPRO)
 - ❑ Respond appropriately to incidents/allegations of harassment (CMO)
- ❑ Maintain privacy to the greatest extent possible (AAS/EHA)

UNIVERSITY OF WATERLOO



Office of the Associate Provost, Campus Support and Accessibility

Here to help

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