Human Rights, Harassment and Fair Access Policy - Tenants

Policy Owner: Office of Diversity, Fairness and Human Rights

Approval: Board of Directors

First Approved:

Current Approval: October 14, 2016

Effective Date: October 14, 2016

Policy Statement

Toronto Community Housing is committed to providing an inclusive living environment free of discrimination and harassment consistent with the principles outlined in the *Ontario Human Rights Code* ("Code"), and the *Accessibility for Ontarians with Disabilities Act* ("AODA").

Toronto Community Housing will not tolerate, ignore or condone any form of discrimination, harassment or hate activity on Toronto Community Housing property. Under the Code, everyone has a right to be free from harassment and discrimination and a right to equal treatment and Toronto Community Housing supports delivering service that respects dignity, self-worth and the human rights of every person.

Scope

The purpose of this policy is to set out:

(a) The protections given to applicants and tenants related to discrimination in accommodation, contracts, services, or facilities;

(b) The protections given to applicants and tenants related to harassment based on a protected ground; and

(c) The expectations of Toronto Community Housing related to hate activity on Toronto Community Housing property.

Definitions

Accommodation: An individualized process to improve equality and remove barriers experienced by a person or groups related to a prohibited ground, to the point of undue hardship[1]. The accommodation process is a shared responsibility. Everyone involved including the person asking for an accommodation, should work together, exchange information, and look for accommodation solutions together. For more information, please see the *Request for Accommodation* section of this policy.

Applicant – An Applicant who has applied to live in a unit that is owned or operated by or on behalf of Toronto Community Housing.

Disability: A disability is defined in the Code as:

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.*

Discrimination: A practice or behaviour that treats people unequally or creates a distinction based on a prohibited ground under the Code resulting in an obligation, burden, barrier by perpetuating prejudice or stereotyping. Discrimination may result from the effect of applying general rules to everyone, because it has a discriminatory or unequal effect on a particular person or group based on a prohibited ground (see Prohibited Grounds definition). Systemic Discrimination a specific type of discrimination

[1] The Cod*e* prescribes only three considerations when assessing whether an accommodation would cause undue hardship: cost, outside sources of funding, if any and health and safety requirements, if any.

characterized by patterns of behaviour, policies or practices that are part of the structure or culture of the organization.

Harassment: A course of unwanted comment(s) or conduct related to a prohibited ground that is known or ought reasonably to be known to be unwelcome. Harassment may result from one incident or a series of incidents.

Hate Activity: Acts committed to deliberately intimidate, harm, harass, use physical force against, or threaten a person on the sole basis that they belong to a group identified by a prohibited ground. Hate activity can be a form of discrimination and a criminal offence under the *Criminal Code of Canada*.

Prohibited Grounds: The Code forbids discrimination or harassment based on the following personal characteristics in occupancy of accommodation, contracts, and services: age, ancestry, citizenship, colour, creed, disability, ethnic origin, family status, gender identity, gender expression, marital status, place of origin, race, sex (including pregnancy and breast-feeding), receipt of public assistance, and sexual orientation.

Social areas: The Code ensures that every person can enjoy freedom from harassment and discrimination in five areas, called *social areas.* The three that apply to this policy are: Occupancy of Accommodation, Contracts and Services and Facilities.

Tenant: For the purpose of this policy, the term “tenant” includes all individuals living lawfully in a Toronto Community Housing household. Both Tenants and Occupants are defined by Toronto Community Housing’s Addition to Household Composition Directive and Visitor and Guest Policy.

Policy Details

Toronto Community Housing is committed to fostering an environment that respects human rights and will advance this standard. The types of prohibited grounds can vary based on the social areas.

Housing or Occupancy

All tenants have a right to equal treatment with respect to occupancy of accommodation (housing) without discrimination by Toronto Community Housing, because of the following prohibited grounds or any combination of these grounds.

- race
- ancestry
- place of origin
- citizenship
- creed or religion
- gender identity
- gender expression
- receipt of public assistance
- age[2]
- disability
- colour
- ethnic origin
- sexual orientation
- sex (including pregnancy and breastfeeding)
- marital status
- family status
- association with anyone who has protections under this policy
- any other prohibited ground(s) that may be amended under the Code

*While level of literacy is not a prohibited ground under the Code, in the interests of promoting inclusivity Toronto Community Housing will, wherever possible, communicate with tenants in a manner which is accessible to them.

Services and Facilities

All tenants have a right to equal treatment with respect to Toronto Community Housing services, and the use of Toronto Community Housing's facilities, without discrimination or harassment, on any of the following prohibited grounds.

- race
- ancestry
- place of origin
- citizenship
- creed or religion
- gender identity
- gender expression
- colour
- ethnic origin
- sexual orientation
- sex (including pregnancy and breastfeeding)
- marital status
- family status
- age
- disability
- level of literacy*
- association with anyone who has protections under this policy
- any other prohibited ground(s) that may be amended under the Code

[2] Accommodation of person under eighteen – 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.

Contracts

Every person having legal capacity has a right to contract on equal terms without discrimination or harassment because of the following prohibited grounds or any combination of these grounds.

- race
- ancestry
- place of origin
- citizenship
- creed or religion
- gender identity
- gender expression
- age
- disability
- colour
- ethnic origin
- sexual orientation
- sex (including pregnancy and breastfeeding)
- marital status
- family status
- association with anyone who has protections under this policy
- any other prohibited ground(s) that may be amended under the Code

Request for Accommodation

Tenants who require human rights accommodation should contact their Operating Unit Office. Toronto Community Housing has a legal obligation to provide accommodation to the point of undue hardship. There is a duty on both Toronto Community Housing and the tenant(s) making the request to participate in the process of making a human rights accommodation.

Hate Activity

Toronto Community Housing does not tolerate hate activity on Toronto Community Housing property and such behavior is grounds for a complaint under this policy. Tenants are expected not to engage in hate activity and are expected not to promote, condone, or otherwise encourage hate activity by their guests or visitors on Toronto Community Housing property. Hate Activity can include but is not limited to acts of violence, verbal slurs accompanied by a threat, vandalism of the person's property, and/or messaging designed to spread hate activity.

Filing a Complaint

Toronto Community Housing will respond to any complaints under the policy, providing the complaint is made within 12 months of the alleged discrimination or harassment incident. Complaints may be accepted after 12 months after the incident, at the discretion of Toronto Community Housing.

Please refer to the *Human Rights, Harassment, and Fair Access Procedure for Tenant Complaints (*"Procedure") for further detail about Toronto Community Housing's complaints process.

Reprisal

Toronto Community Housing forbids taking action against a person who has made a complaint of discrimination or harassment in good faith under this policy or is participating in an investigation under this policy. Reprisal includes harassment, discrimination, intimidation or imposition of another penalty, or any other action which harms their living conditions. Reprisal includes a threat to take action or knowingly advising another person to engage in reprisal.

Responsibilities

Toronto Community Housing will:

- Develop and maintain procedures and/or guidelines for investigating and addressing any complaints that may arise under this policy.
- Provide education to employees on this policy to make sure they are aware of the conduct which is prohibited under this policy.
- Create awareness where needed to make sure that all tenants have knowledge about their rights and responsibilities under this policy.
- Promptly respond to and take appropriate actions when a complaint is made under this policy in accordance with the Procedure.

The Office of Diversity, Fairness and Human Rights will:

- Address tenant complaints according to the Procedure.
- Provide support to staff to address tenant complaints according to the Procedure.
- Collaborate with staff from the Human Resources Division on human rights and diversity initiatives and provide additional resources or support when needed.

- Provide awareness and education to tenants.
- Facilitate requests by tenants for accommodations as needed.
- Monitor the effectiveness of this policy through regular reporting on equity, diversity and human rights initiatives to the City of Toronto

The Human Resources Division will:

- Address or investigate complaints made against employees according to the applicable procedure, with the support and consultation of the Office of Diversity and Human Rights, where needed.
- Make sure employees comply with any obligations they may have under this policy or the Code.

Compliance and Monitoring

Toronto Community Housing employees may not engage in discrimination, harassment or hate activity under this policy. Violation of this policy can lead to discipline up to and including termination for cause.

Vendors or contractors, including property management companies, are responsible for following any provision of their contract related to discrimination or harassment on Toronto Community Housing property. Violation of this policy can lead to termination of their contract or any other consequence set out in their contract with Toronto Community Housing

Tenants are also expected to follow this policy, which includes refraining from harassment, discrimination, or hate activity against other tenants, Toronto Community Housing employees, vendors or contractors on Toronto Community Housing property. Tenants are also responsible for making sure that their **guests or visitors** follow this policy while on Toronto Community Housing property. Violation of this policy can lead to legal or other action by Toronto Community Housing.

Governing and Applicable Legislation

- Ontario Human Rights Code
- Accessibility for Ontarians with Disabilities Act
- Criminal Code of Canada
- Occupational Health and Safety Act

- Residential Tenancies Act

Related Policies and Procedures

- Human Rights, Harassment and Fair Access Procedure for Tenant Complaints
- Human Rights, Harassment, and Fair Access Complaint Procedure (Staff)
- Accessibility Policy
- Employee Code of Conduct
- Tenant Representative Code of Conduct
- Tenant Charter

Commencement and Review

Revision	Date	Description of changes	Approval
First approval:	[Month/year]	New	[highest level of approval]
[Revision #1]		• Policy Statement – enhanced statement and commitment, minor • Definitions – added definitions to Policy, major • Policy Details – revised and added new sections to include defined social areas and prohibited grounds, Request for Accommodation, Hate Activity, Filing a Complaint, Reprisal and Responsibilities, major • Compliance and Monitoring – added this section, to include accountability and monitoring, major	
Last review:			

Next Scheduled Review Date: September 2018