



Toronto
Community
Housing

Toronto Community Housing Corporation *Human Rights, Harassment and Fair Access Policy*

PREAMBLE

TCHC recognizes that contemporary Toronto is made up of many peoples and cultures, including Aboriginal Canadians. TCHC is committed to providing an inclusive housing and working environment in which all individuals are equally valued and fairly treated. To achieve this, TCHC is prepared to take pro-active measures to eliminate harassment and discrimination in accommodation, employment, delivery of services, and in all other contract arrangements.

This *Human Rights, Harassment and Fair Access Policy* reflects the requirements of the *Human Rights Code* and policies established by the City of Toronto.

POLICY STATEMENT

TCHC will not tolerate, ignore, or condone any form of discrimination, harassment or barrier in employment, housing, contracting and delivery of its services. All employees, contractors, agents, tenants, Board Directors, volunteers and appointees who serve on committees established by TCHC are bound by this policy in their dealings with TCHC. They have a duty to actively promote and support human rights, to remove barriers to equality and to refrain from harassment and discrimination. TCHC is committed to promoting a climate of understanding and mutual respect where each member of the TCHC community is able to derive benefits and to participate fully to the development and well being of the community. Distinct protections concerning the occupancy of accommodation, delivery of services, contract arrangements and employment is described below.

Occupancy of Accommodation: All tenants, legal occupants, and their guests have a right to equal treatment with respect to the occupancy of a unit that is managed by or on behalf of TCHC, without discrimination or harassment by TCHC, its contractor(s), agent(s) or tenants because of race, ancestry, place of origin, colour, ethnic origin, citizenship,* creed or religion, sex, sexual orientation, same-sex partnership status, gender identity**, age***, marital status, family status, receipt of public assistance, political affiliation, disability or English-language proficiency.

* Citizenship, permanent resident or refugee claimant status is one of the requirements for receiving "rent geared to income" subsidy

** Gender identity: an individual's sense of being male or female which may or may not conform to his or her birth-assigned sex

*** Age means sixteen years or older who have removed themselves from parental control and are able to live independently

Services and Facilities: Every person has a right to equal treatment with respect to receipt of goods and services, and use of TCHC's facilities, without discrimination or

harassment by TCHC, its contractor(s) or agent(s) because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed or religion, sex, sexual orientation, same-sex partnership status, gender identity, age, marital status, family status, receipt of public assistance or disability.

Contracts: Every person having legal capacity has a right to contract on equal terms without discrimination by TCHC or its contractor(s) or agents because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed or religion, sex, sexual orientation, same-sex partnership status, gender identity, age, marital status, family status, receipt of public assistance, political affiliation or disability.

Employment: Every person has a right to equal treatment with respect to employment without discrimination or harassment by TCHC, its contractor(s), agent(s), employee(s) or tenant(s) because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed or religion, sex, sexual orientation, same-sex partnership status, gender identity, age, record of offences, marital status, family status, receipt of public assistance, disability, political affiliation, membership in a union or staff association, or any other prohibited ground.

No Retaliation:

TCHC prohibits any punitive action against individuals who pursue their rights under this policy. This protects individuals who:

- make a complaint that he or she reasonably and honestly believes to be true
- take part as a witness in an investigation
- are associated with either the complainant, the respondent or a witness during the complaint process

Anyone who retaliates against someone who has pursued his or her rights may face corrective action.

DEFINITIONS

Various terms require definition. The most important are “discrimination”, “adverse effects or systemic discrimination”, “duty to accommodate” and “harassment”.

Discrimination

Discrimination is any practice or behaviour, whether intentional or not, that has a negative effect on an individual or group based on a prohibited ground e.g. disability, sex, race, and sexual orientation. A decision to deny a benefit that relies on any of these grounds, unrelated to a person’s abilities, is prohibited. Discrimination may arise as a result of differential treatment or it may result from the unequal effect of applying general rules to everyone. In either case, if the effect of the behaviour or practice on the individual is to deny or limit access to housing accommodation, goods, services, facilities, employment, or contracts available to others, it is discrimination.

Adverse Effects or Systemic Discrimination

If a behaviour or practice has a disproportionate negative effect on a particular group of persons who are identified by a prohibited ground, this is "adverse effects" discrimination. For example, a job screening criteria for persons measuring over a certain height or weight may favour men over women, Europeans over Asians etc. and is discrimination if the screening criteria is not relevant to job performance.

The Duty to Accommodate and Equal Treatment

Equal treatment is treatment that brings about an equality of results. If applying a general rule has an adverse effect on an individual because he or she belongs to a group that is identifiable by a prohibited ground, TCHC has a duty to accommodate the individual. TCHC must re-examine the general rule to minimize or eliminate the adverse impact. In some instances, different approaches or an accommodation may be required to achieve equal access to goods, services and opportunities within TCHC. Accommodation could be an adjustment of TCHC rules to eliminate unequal effects, short of causing undue hardship to TCHC.

The accommodation must reduce barriers that impede access to goods, services and opportunities within TCHC. For example, to provide a safe, functional environment for tenants with disabilities, it may be necessary to install grab bars or lower sinks. To give all employees equal access to a building, it may be necessary to provide a ramp for those who require the use of a wheelchair.

Harassment

Harassment means comment or conduct that a person knows or ought to know would be unwelcome. Harassment may result from one incident or a series of incidents. Examples of harassment include offensive and embarrassing comments, derogatory remarks, threats, inappropriate jokes, innuendoes and teasing; insulting gestures; practical jokes that result in embarrassment; electronic or physical display of pin-ups, pornography, demeaning or sexually explicit materials; actions that invade privacy; spreading rumours that damage a person's reputation; threats to disclose that someone is gay or lesbian; physical or verbal attacks on people who are gay or lesbian; refusing to work with person(s) or a group of persons because of their race, sexual orientation etc; condescending or patronizing behaviour; abuse of authority; unwelcome touching; physical assault or sexual assault.

Agent

A person who is authorized by another to act for him or her; one authorized to transact business for his or her principal. TCHC employees who regularly have contact with tenants may be considered agents of TCHC in certain circumstances.

Accessible format: various formats to effect communication e.g. large print, Braille, audio and video-tape recording.

Contractor

Contractor includes independent consultants, persons who have entered a business agreement with the TCHC to supply goods or perform work, including professional services, and includes employees of the contractors who work on site at TCHC to perform a contract. Agencies that have entered into an agreement with TCHC to provide services to tenants and/or occupants are also included in the term "contractor". Contractors are bound by this policy in respect of all work performed on TCHC sites.

Disability

Disability includes physical, cognitive, developmental and psychiatric impairment or injury and is used interchangeably with "handicap" as defined in the *Human Rights Code*.

Employee

Employee includes unionized and non-unionized staff members and persons who work for a fixed term (e.g. Summer students).

Ground

Ground refers to the basis for a decision or action. In TCHC's policy, prohibited grounds of discrimination include race, ancestry, place of origin, colour, ethnic origin, citizenship, creed or religion, sex, sexual orientation, same-sex partnership status, gender identity, age, marital status, family status, receipt of public assistance, record of offences, political affiliation, disability or English-language proficiency.

Tenant

Tenant refers to all persons in a household who are included in a signed tenancy agreement with TCHC. "Tenant" also includes an applicant who has applied to live in a unit that is managed by or on behalf of TCHC. Tenants, including tenant representatives, are not agents of TCHC.

Occupant

Occupant refers to a member of a household who live in a unit that is leased from Toronto Community Housing Corporation but does not have a direct tenancy relationship with TCHC (e.g. Anglican houses, Participation Apartment, CNIB and other supportive housing providers).

Workplace

The workplace includes all locations where business or social activities of TCHC are conducted. Workplace harassment can also include incidents that happen off site (e.g., inappropriate phone calls or visits to an employee's home by a tenant or co-worker).

COMPLAINTS PROCEDURE:

TCHC has developed complaint procedures for investigating and resolving any complaints that may arise concerning discrimination and harassment. All complaints

arising under this policy shall be addressed using the procedure outlined in the *Human Rights, Harassment and Fair Access Complaints Resolution Process*.

REFERENCE INFORMATION:

Ontario Human Rights Code

Ontario Tenant Protection Act

Social Housing Reform Act

City of Toronto's *Shareholder Direction* relating to TCHC

Anti-Ableism Committee in partnership with TCHC

TCHC Internet and E-mail policy

TCHC Tenants Complaint Procedure

TCHC Code of Conduct