

From: [Patrick Case](#)
To: [John Rae](#)
Cc: [Kathy Laird](#); [David Lepofsky](#); [Michael Gottheil](#); [Barbara Hall](#); [Ivana Petricone](#); [Gary Malkowski](#); [Andrew Pinto](#); [Jennifer Ramsay](#); [Orville Endicott](#); [David Wright](#)
Subject: Correspondence of March 21, 2012
Date: March-26-12 11:50:55 AM
Attachments: [HRLSC Cases Feb 29 FINAL.docx](#)
[HRLSC Public interest remedies from settlements March 23 FINAL.docx](#)

Dear Mr. Rae:

Thank you for your correspondence of March 21, 2012.

The high level of disability-based claims moving through Ontario's human rights system, and the corresponding volume of inquiries to the Centre from people with disabilities, demonstrate, as you point out, that the goal of "full participation and equality" is not achieved. However, the large number of human rights applications that seek broad systemic remedies are certainly a very important tool in reaching that goal.

We want to assure you that the Centre has pursued systemic remedies in a great number of applications before the Tribunal. I am happy to share with you the attached two-part summary of remedies achieved at mediation and at hearings, on all grounds of discrimination. Some highlights involving disability discrimination are set out below.

The Centre has won decisions with systemic remedies including:

- **Lauzon v. Ontario Provincial Police** – order requiring the elimination of a particular vision requirement;
- **Frankson v. Workplace safety and Insurance Board** – order that the WSIB amend its Labour Market Re-entry policy to accommodate disabilities, including non-physical disabilities such as a learning disability;
- **DiSalvo v. Halton Condominium Corporation** - order requiring a condominium to make physical changes to the premises to accommodate the disability-related needs of a resident "even where the Applicant is the only individual benefiting from the accommodation measure".

You may be interested to know that the Centre helped bring national attention to the DiSalvo decision by co-authoring an article for the national Condo Business Magazine with the Centre for Equality Rights in Accommodation:

<http://www.condobusiness.ca/Condominiumaccessibilityopeningthedoors.aspx>.

In terms of mediated settlements, the Centre has achieved several broad-impact settlements that promote the rights of Ontarians with disabilities including settlements with these results:

- A municipality removed all discriminatory bylaws restricting the location of supportive housing.
- A police service implemented a monitoring system in which all occurrences involving deaf persons are reviewed. Regular and updated training now provided to staff in order to better

serve the needs of the deaf community.

- A store owner completed the Ontario Human Rights Commission's Human Rights 101 and the franchisor amended its training manual to highlight for franchisees across Ontario the importance of complying with the *Human Rights Code* when dealing with customers.
- A restaurant retained an outside expert to provide human rights training to all management and to follow up with training of all staff about rights and responsibilities under the *Code*, as well as distribution of the training materials to all current and *future* staff.
- A company developed a *national* policy about the duty to accommodate and disability. All human resources and store managers across Canada trained under the new policy.
- An employer to develop a *national* guideline on accommodation of employees with disabilities to be distributed to every staff member in every store in Canada, including corporate office, within 6 months.

The Centre currently has several systemic cases involving disability discrimination proceeding before the Tribunal including: two applications challenging picketing by union members at residences for people with developmental disabilities; applications against four municipalities challenging municipal restrictions on housing for people living with mental illness or intellectual disabilities; an application challenging the practice of setting lower compensation rates for people with disabilities; and several applications related to eligibility for workers compensation.

I would appreciate having an opportunity to meet with you in person to explore how we might work together on advancing the rights of people with disabilities.

Yours sincerely,

Patrick Case

Chair

Human Rights Legal Support Centre