

**ACCOMMODATION POLICY AND PROCEDURES**

**LAW SOCIETY OF UPPER CANADA**

**May 2001**

## **TABLE OF CONTENTS**

<b>STATEMENT OF PRINCIPLES</b>	<b>1</b>
<b>PURPOSES</b>	<b>2</b>
<b>APPLICATION OF THE POLICY</b>	<b>2</b>
<b>RESPONSIBILITIES OF THE LAW SOCIETY OF UPPER CANADA</b>	<b>2</b>
<b>RESPONSIBILITIES OF THE INDIVIDUAL</b>	<b>3</b>
<b>SCOPE OF THE DUTY TO ACCOMMODATE</b>	<b>3</b>
<b>IMPLEMENTATION GUIDELINES</b>	<b>4</b>
<b>SYSTEMIC ACCESSIBILITY AUDITS</b>	<b>4</b>
<b>INDIVIDUALIZED ACCOMMODATION</b>	<b>5</b>
<b>APPENDIX A</b>	<b>DEFINITIONS</b>
<b>APPENDIX B</b>	<b>PROCEDURES TO REQUEST INDIVIDUALIZED ACCOMMODATION</b>
<b>APPENDIX C</b>	<b>ACCOMMODATION BENEFITS AND SERVICES AVAILABLE AT THE LAW SOCIETY OF UPPER CANADA</b>
<b>APPENDIX D</b>	<b>POLICY AND PROCEDURES FOR ACCOMMODATIONS FOR STUDENTS-AT-LAW IN THE BAR ADMISSION COURSE, DEPARTMENT OF EDUCATION</b>
<b>APPENDIX E</b>	<b>LAW SOCIETY OF UPPER CANADA FREQUENTLY ASKED QUESTIONS ON ACCESSIBILITY</b>

## STATEMENT OF PRINCIPLES

1. The Law Society of Upper Canada is committed to providing services and a working environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that recognizes equity and diversity and prohibits discriminatory practices.
2. Discrimination in employment or in the delivery of services on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status, same-sex partnership status or disability is illegal<sup>1</sup>. Discrimination is prohibited by the *Human Rights Code*, R.S.O. 1990, c. H.19, and by Rules 5.03 (Sexual Harassment) and 5.04 (Discrimination) of the Law Society of Upper Canada *Rules of Professional Conduct*.
3. The Law Society of Upper Canada acknowledges that treating people identically is not synonymous with treating them equally. Substantive equality requires the accommodation of differences that arise from the personal characteristics cited in the Code. If a requirement or practice creates difficulty for an individual because of factors related to the personal characteristics listed in the Code, the duty to accommodate arises up to the point of undue hardship.
4. In the past, most requests for accommodating benchers, members, employees or clients of the Law Society of Upper Canada have been considered on an ad hoc basis<sup>2</sup>. Assessing whether accommodation is needed and what accommodation is appropriate is an ongoing issue for the Law Society of Upper Canada. The Law Society of Upper Canada recognizes the importance of and is committed to providing reasonable accommodation to the point of undue hardship on the organization.

---

<sup>1</sup> See Appendix A for definitions.

<sup>2</sup> The Law Society of Upper Canada already offers benefits and services to accommodate benchers, members, employees and clients (See Appendix C). Students-at-law in the Bar Admission Course may request accommodation under the *Policy and Procedures for Accommodations for Students-at-law in the Bar Admission Course - Department of Education*, 1999 (see Appendix D). See Appendix E for a document entitled *Frequently Asked Questions on Accessibility*, which is intended to highlight problems and potential solutions on accessibility.

## **PURPOSES**

The purposes of this policy are to,

- ? identify issues that arise in developing accommodation strategies;
- ? set the principles and the practice guidelines in respect of accommodation;
- ? set out in writing the procedures and strategies for accommodation for the Law Society of Upper Canada (hereinafter “Law Society”) as an employer and as a service provider; and
- ? ensure conformity with other workplace policies and procedures.

## **APPLICATION OF THE POLICY**

This policy applies to,

- ? the workplace (including recruitments, application forms, interviews, promotions and leaves of absence) and to services offered by the Law Society;
- ? all those working for the Law Society, whether part-time, full-time or casual, regardless of their position in the organization including contract staff, temporary workers, articling students and summer students. This policy also applies to benchers, members and clients of the Law Society;
- ? all Law Society locations, presently located in London, Ottawa, Toronto, Windsor and Kingston. The nature of the specific accommodation may vary from site to site.

## **RESPONSIBILITIES OF THE LAW SOCIETY OF UPPER CANADA**

1. The Law Society will undertake systemic accessibility audits and develop action and implementation plans to make facilities, procedures and services accessible to benchers, members, employees and clients of the Law Society.
2. The Law Society will identify the roles and responsibilities of the organization and of its managing staff and staff person responsible for providing individualized accommodation of varying degree and types.

3. Although some responsibilities for accommodating the needs of benchers, members, employees and clients of the Law Society rests with the managing staff and with the staff person responsible for considering and implementing the accommodation, the Code views the Law Society as a single employer, and the terms “reasonable accommodation” and “undue hardship” are interpreted in a manner consistent with the resources of the Law Society.
4. The Law Society will attempt to accommodate individual requests under this policy, recognizing that the interest of the Law Society and of its benchers, members, employees and clients must be considered in each instance, as well as the interests of the individual seeking accommodation. Accommodation will be offered to the point of undue hardship.
5. The Law Society will make reasonable efforts to encourage all benchers, members, employees and clients to recognize that accommodation is beneficial both for the Law Society and for the individual seeking the accommodation.

## **RESPONSIBILITIES OF THE INDIVIDUAL**

1. An individual who requires accommodation is encouraged to communicate his or her needs promptly to the person responsible for considering the request<sup>3</sup>.
2. An individual who is being accommodated is expected to communicate promptly with the person providing the accommodation or the Accommodation Committee any concerns or problems with the accommodation.

## **SCOPE OF THE DUTY TO ACCOMMODATE**

1. The duty to accommodate applies to all grounds of discrimination under the Code: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status, same-sex partnership status or disability.
2. Certain grounds and issues arise more frequently in employment and services, notably:

---

<sup>3</sup> There may be circumstances where a person is unable, due to the nature of his or her disability, to identify or communicate accommodation needs. This issue sometimes arises with respect to persons with mental illnesses. In circumstances where a person is clearly unwell, it may be appropriate to offer assistance and accommodation, even in the absence of an accommodation request.

- ? disability;
- ? creed ;
- ? pregnancy;
- ? family responsibilities and/or responsibilities based on gender.

## **IMPLEMENTATION GUIDELINES AND STRATEGIES**

1. The following guidelines are provided to assist the Law Society in meeting the legislative requirements regarding accommodation of benchers, members, employees and clients.
2. The Law Society will inform all benchers, members, employees and, to the extent possible, clients of its accommodation policy and of the nature of available accommodation and will ensure that all employees are educated on the content and scope of the policy.
3. The Law Society will encourage benchers, members, employees and clients to identify personal characteristics that might require accommodation and to bring to the attention of the Law Society, as soon as possible, barriers that might affect benchers, members, employees or clients because of the personal characteristics listed in the policy.

## **SYSTEMIC ACCESSIBILITY AUDITS**

1. The Law Society will, from time to time, undertake systemic accessibility audits of its organization including its policies, procedures and practices, its structural, architectural and environmental elements and its equipment (including technological and communication equipment). The systemic accessibility audits will be done to identify barriers that might affect benchers, members, employees and clients of the Law Society identified by personal characteristics listed in this policy.
2. The Law Society will implement the necessary changes to make facilities, procedures and services accessible to benchers, members, employees and clients of the Law Society by developing and implementing accessibility plans.
3. The Law Society will maintain records of its accommodation strategies and the implementation thereof.

## **INDIVIDUALIZED ACCOMMODATION**

1. A need for individualized accommodation can come up at any time, is often unforeseen even by the person requiring the accommodation, and may involve ad hoc, temporary or experimental strategies. Arriving at an appropriate strategy requires a thorough understanding of the relevant legal obligations, the ability and willingness to collaborate with the affected individual and a readiness to act quickly. Requests for individualized accommodation may be made by following the procedures established in Appendix B.
2. Accommodation will not be provided if it imposes undue hardship on the Law Society. This determination will be made on a case-by-case basis, by following the procedures established in Appendix B.
3. A one-time expenditure for some forms of accommodation may be too onerous on the Law Society. Therefore, in certain situations, accommodation may be provided on an interim basis or may be phased-in, providing the time frame is reasonable. The appropriateness of an interim or phased-in accommodation depends on an undue hardship analysis of the particular case.

**APPENDIX A**  
**DEFINITIONS**

## DEFINITIONS

For the purposes of this policy,

**“Age”** means an age that is eighteen years or more except in cases of discrimination in employment where “age” means an age that is eighteen years or more and less than sixty-five years<sup>4</sup>.

**“Creed or religion”** mean a professed system and confession of faith, including both beliefs and observances or worship. A belief in a God or gods, or a single supreme being or deity is not a requisite. The existence of religious beliefs and practices are both necessary and sufficient to the meaning of creed, if the beliefs and practices are sincerely held and/or observed<sup>5</sup>.

**“Discrimination”** means a distinction, whether intentional or not, but based on grounds relating to personal characteristics of the individual or group, which has the effect of imposing burdens, obligations, or disadvantages on such individual or group not imposed upon others, or which withholds or limits access to opportunities, benefits, and advantages available to other members of society. Discrimination includes direct discrimination, adverse effect discrimination and systemic discrimination:

1. “direct discrimination” applies where a rule or practice is discriminatory on its face;
2. “adverse effect discrimination” arises when a requirement, qualification or factor is neutral on its face but has an adverse impact and results in the exclusion, restriction of preference of a group of persons who are identified by a prohibited ground of discrimination under a human rights legislation;
3. “systemic discrimination” means practices or attitudes that have, whether by design or impact, the effect of limiting an individual’s or a group’s rights to the opportunities generally available because of attributed rather than actual characteristics.

**“Family status”** means the status of being in a parent and child relationship<sup>6</sup>.

---

<sup>4</sup> Ontario *Human Rights Code*, R.S.O. 1990, c. H.19, section 10.

<sup>5</sup> Taken from *Policy on Creed and the Accommodation of Religious Observances* (Toronto: Ontario Human Rights Commission, October 20, 1996).

<sup>6</sup>Ontario *Human Rights Code*, *supra* note 4 at section 10.

**“Marital status”** means the status of being married, single, widowed, divorced or separated and includes the status of living with a person in a conjugal relationship outside marriage<sup>7</sup>.

**“Because of disability”** means for the reason that the person has or has had, or is believed to have or have had,

- ? 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, including diabetes mellitus, epilepsy, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or on a wheelchair or other remedial appliance or device;
- ? a condition of mental retardation or impairment;
- ? a learning disability, or a dysfunction in one 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 *Workplace Safety and Insurance Act, 1997*<sup>8</sup>.

**“Personal characteristic”** means any of the following personal characteristic: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status, same-sex partnership status or disability<sup>9</sup>.

**“Record of offences”** means a conviction for,

- ? an offence in respect of which a pardon has been granted under the *Criminal Records Act* (Canada) and has not been revoked; or

---

<sup>7</sup> *Human Rights Code*, supra note 4 at section 10.

<sup>8</sup> *Human Rights Code*, supra note 4 at section 10.

<sup>9</sup> These are the personal characteristics listed in the *Human Rights Code*, supra note 4.

? an offence in respect of any provincial enactment<sup>10</sup>.

**“Same-sex partnership status”** means the status of living with a person of the same sex in a conjugal relationship outside marriage<sup>11</sup>.

---

<sup>10</sup> *Human Rights Code*, *supra* note 4 at section 10.

<sup>11</sup> *Human Rights Code*, *supra* note 4 at section 10.

## **APPENDIX B**

### **PROCEDURES TO REQUEST INDIVIDUALIZED ACCOMMODATION**

## PROCEDURES TO REQUEST INDIVIDUALIZED ACCOMMODATION

### Basic principles

1. The accommodation must be reasonable and must respect the dignity of the person seeking accommodation<sup>12</sup>. The basic principles to be considered are as follows:
  - ? Accommodation includes and integrates individuals into employment activities in a manner that respects their dignity and worth. Accommodation also allows the provision of services in a manner that respects the client's dignity and worth. Under no circumstances should benchers, members, employees or clients suffer any penalty because they have sought or require accommodation.
  - ? Successful accommodation requires a partnership between the individual seeking accommodation and the person responsible for considering the request or the Accommodation Committee.
2. Accommodation may take one of two forms:
  - ? meeting the needs of someone based on the needs of the group to which he or she belongs; or
  - ? meeting the needs of a person assessed on an individual basis.

### Confidentiality

To protect the interests of the person seeking accommodation, the person responsible for considering the request and/or the Accommodation Committee as the case may be, will hold in strict confidence all information concerning the request for accommodation, including records of the request, contents of meetings, interviews and other relevant material and shall not divulge any information relating to the request unless expressly authorized by the

---

<sup>12</sup> Dignity includes consideration of how accommodation is provided and the individual's own participation in the process. Human dignity encompasses individual self-respect and self-worth. It is concerned with physical and psychological integrity and empowerment. Privacy, confidentiality, comfort, autonomy, individuality and self-esteem are important factors as well as to whether an accommodation maximizes integration and promotes full participation in society. See *Policy and Guidelines on Disability and the Duty to Accommodate* (Toronto: Ontario Human Rights Commission, November 23, 2000).

person seeking the accommodation or required by law to do so.

### **The Accommodation Committee**

1. The Accommodation Committee is created and is composed of the Chief Executive Officer, the Director of Human Resources and the Equity Advisor.
2. The Accommodation Committee will, when necessary, consult with the Health and Safety Committee of the Law Society, or other concerned third party, in its implementation of the policy. The Accommodation Committee will uphold its duty of confidentiality.

### **Person responsible for considering the request**

The person responsible for considering the request is the person who:

- ? in the context of employment, is the immediate manager of the person seeking accommodation.
- ? in the context of the provision of services, is the staff person providing the service.

### **Procedures to be applied when a person requests an accommodation**

If a benchler, a member, an employee or a client of the Law Society believes that a requirement or practice excludes, restricts or impacts on him or her differently because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status, same-sex partnership status or disability the person seeking the accommodation, the person responsible for considering the request and the Accommodation Committee will follow the following procedures.

It is understood that the person seeking accommodation and the Law Society have rights and responsibilities during accommodation.

#### *Rights and responsibilities*

1. The person seeking accommodation, the person responsible for considering the request and the Accommodation Committee will deal in good faith.
2. The person responsible for considering the request and/or the Accommodation Committee will respect the dignity of the person seeking accommodation. This means to act in a manner that recognizes the privacy, confidentiality, comfort, autonomy, and

self-esteem of the person seeking accommodation, which maximizes his or her integration and promotes his or her full participation in society and in the workplace.

3. The person seeking accommodation should, when applicable,
  - ? inform the Law Society of his or her needs;
  - ? cooperate in obtaining necessary information; and
  - ? participate in discussions about solutions.
4. The person responsible for considering the request and/or the Accommodation Committee should, when applicable,
  - \* maintain the confidentiality of persons seeking accommodation;
  - \* request only information that is required to make the accommodation;
  - \* take an active role in ensuring that possible solutions are examined;
  - \* deal with accommodation requests in a timely way; and
  - \* consider alternatives if the request cannot be fully accommodated.

#### *Requesting the accommodation*

5. The person seeking accommodation should communicate with the person responsible for considering the request that he or she requires an accommodation ( even if he or she doesn't know how her/his needs can be accommodated)<sup>13</sup>. In the context of a person with a disability, if he or she believes that he or she is capable of doing the essential requirements of the function being performed, he or she should indicate this to the person responsible for considering the request.
6. The person seeking accommodation will provide notice of the request preferably in writing, and allow a reasonable time for reply. The person responsible for considering the request will reply to the request within a reasonable time.
7. The person seeking accommodation should, when necessary, provide suitable verifiable information concerning the personal characteristic at issue<sup>14</sup>. The person

---

<sup>13</sup>When a person requests an accommodation for reasons of disability, the Law Society does not generally have the right to know what the disability is.

<sup>14</sup> The Ontario Human Rights Commission suggests that the person seeking accommodation should,

- ? advise the accommodation provider of the disability (although the accommodation provider does not have the right to know what the disability is);

requesting accommodation should explain why the accommodation is required and provide enough information to confirm the existence of a need for accommodation and the measures of accommodation required.

*When a person with a disability believes that he or she is capable of doing the essential requirements of the function*

8. When the person seeking accommodation is a person with a disability and he or she believes that he or she is capable of doing the essential requirements of the function, the person responsible for considering the request will determine what is “essential” to the function, with the input of the person seeking accommodation<sup>15</sup>. The person seeking accommodation should be given an opportunity to provide input as to the essential requirements of the function and be allowed to identify possible alternatives to perform the function in a satisfactory way. If necessary, the person responsible for considering the request may re-assign non-essential requirements to someone else, or use some alternate method.
9. The person responsible for considering the request will establish on an objective basis, for example by testing the person seeking accommodation or by giving the person seeking accommodation an opportunity to try to perform the function, whether the person's disability renders her or him incapable of fulfilling the essential requirements of the function. The person responsible for considering the request will make those decisions based upon a fair and accurate assessment of her or his ability and not based upon a stereotype or misconception.

- 
- ? make her or his needs known to the best of her or his ability;
  - ? answer questions or provide information regarding relevant restrictions or limitations, including information from health care professionals, where appropriate, and as needed;
  - ? participate in discussions regarding possible accommodation solution; and
  - ? work with the accommodation provider on an ongoing basis to manage the accommodation process.
  - ?

See *Policy and Guidelines on Disability and the Duty to Accommodate*, *supra* note 12 at 23.

<sup>15</sup> The Human Rights Commission has interpreted the term “essential” to mean that which is needed to make a thing what it is; very important; necessary. Synonyms are indispensable, requisite, vital. Thus, peripheral or incidental, non-core or non-essential aspects of a job are not essential to the position. *Policy and Guidelines on Disability and the Duty to Accommodate*, *supra* note 12 at 19.

10. If the person seeking accommodation cannot perform the essential requirements, the person responsible for considering the request will explore how to accommodate the person seeking accommodation to enable performance of the essential requirements of the function.

*When a requirement or practice results in exclusion or restriction*

11. If the person seeking accommodation alleges that a requirement or practice results in the exclusion or restriction of the person seeking accommodation, the person responsible for considering the request will establish whether the requirement or practice,
  - ? was adopted for a purpose rationally connected to the function being performed;
  - ? was adopted in an honest and good faith belief that it was necessary to the fulfilment of the purpose; and
  - ? is reasonably necessary to the accomplishment of the legitimate purpose<sup>16</sup>.
12. There should be objectively verifiable evidence linking the requirement or practice to the performance of the function. If the requirement or practice is not imposed

---

<sup>16</sup> Each person should be assessed according to his or her own personal abilities instead of being judged against presumed group characteristics. The following non-exhaustive factors should be considered in the course of the analysis:

- ? whether the person responsible for accommodation investigated alternative approaches that do not have discriminatory effect;
- ? reasons why viable alternatives were not implemented;
- ? ability to have differing standards that reflect group or individual differences and capabilities;
- ? whether persons responsible for accommodation can meet their legitimate objectives in a less discriminatory manner;
- ? whether the standard is properly designed to ensure the desired qualification is met without placing undue burden on those to whom it applies; and
- ? whether other parties who are obliged to assist in the search for accommodation have fulfilled their roles.

See *Policy and Guidelines on Disability and the Duty to Accommodate*, *supra* note 12 at 18.

honestly or in good faith or is not necessary to the Law Society's purpose, the person responsible for considering the request will see that it is altered or dispensed with.

*The duty to accommodate*

13. If the requirement or practice was adopted for a purpose rationally connected to the job, was adopted honestly and in good faith and is reasonably necessary to the Law Society's purpose, or if an employee with a disability cannot perform the essential requirement of her or his job, the next step is to consider whether the individual who experiences disadvantage because of the requirement or practice can be accommodated without imposing undue hardship on the Law Society.
14. The person responsible for considering the request has the duty to assess the need for accommodation based on the needs of the individual or of the group of which the person is a member, keeping in mind that not all members of a group have the same needs<sup>17</sup>.
15. The person responsible for considering the request will consult with the requesting individual and consider any suggestions offered by the requesting individual, in arriving at a timely individual-based strategy<sup>18</sup>. The person responsible for considering the request may consult with the Equity Advisor, the Human Resources Director or the Accommodation Committee in attempting to devise the most suitable strategy for any

---

<sup>17</sup> Individuals may seek accommodation for reasons such as religious practices or observances that do not conform to established dogma, or they may seek to observe practice which is not shared by all members of the creed. Dress codes, dietary laws, etc. are examples of religious practices that are sincerely observed but may not be followed by all practitioners of a creed. The Law Society has a duty to reasonably accommodate such requests to the point of undue hardship.

<sup>18</sup>The Human Rights Commission states that the person responsible for considering the request should,

- ? take an active role in ensuring that alternative approaches and possible accommodation solutions are investigated, and canvass various forms of possible accommodation and alternative solutions, as part of the duty to accommodate;
- ? keep a record of the accommodation request and action taken;
- ? maintain confidentiality;
- ? grant accommodation requests in a timely manner.

See *Policy and Guidelines on Disability and the Duty to Accommodate*, *supra* note 12 at 24.

accommodation that may be offered more generally.

16. A number of accommodation strategies may be used to fulfil the Law Society's obligation. In the interest of both prompt attention to the needs of an individual, and the need to explore the utility of various accommodation strategies, an interim or experimental strategy may be implemented.
17. The person responsible for considering the request will refer the accommodation request to the Accommodation Committee for a final decision in the following circumstances:
  - ? when the person responsible for considering the request is of the opinion that the accommodation request should be rejected;
  - ? when the person responsible for considering the request is uncertain whether the accommodation should be granted;
  - ? when the person responsible for considering the request requires advice on how to accommodate the requesting individual;
  - ? for all decisions regarding whether the accommodation creates undue hardship for the Law Society.

#### *Undue hardship*

18. Accommodation will be offered to the point of undue hardship<sup>19</sup>. All decisions

---

<sup>19</sup> In determining undue hardship, the Law Society can only consider the following factors (the factors are enumerated at section 11 of the Ontario *Human Rights Code*):

- ? cost;
- ? outside sources of funding, if any; and
- ? health and safety requirements, if any.

The Ontario Human Rights Commission specifies that the following factors are excluded and should not be considered when determining whether there is undue hardship: business inconvenience, employee morale, customer preference and contracts.

Costs will amount to undue hardship if they are,

- ? quantifiable;
- ? shown to be related to the accommodation; and

regarding whether an accommodation would lead to undue hardship will be made by the Accommodation Committee. If the Accommodation Committee believes there is undue hardship, it must present evidence showing that the financial cost<sup>20</sup> of the

- 
- ? so substantial that they would alter the essential nature of the enterprise, or so significant that they would substantially affect its viability.

Health and safety requirements will amount to undue hardship if the degree of risk that remains after the accommodation has been made outweighs the benefits of enhancing equality for the persons seeking accommodation.

See *Policy and Guidelines on Disability and the Duty to Accommodate*, supra note 12 at 27-30.

It is possible that a method of accommodation that does not cause undue hardship to the Law Society now may cause undue hardship in the future. This may happen if circumstances change; for example, the number of employees seeking accommodation may increase significantly. It is important to take into consideration all the relevant factors when attempting to determine when the standard of undue hardship is met.

<sup>20</sup> The Ontario Human Rights Commission suggests that financial costs of the accommodation to be considered in deciding whether there is undue hardship are,

- ? capital and operating costs;
- ? the cost of additional staff time, beyond what can be accomplished through restructuring existing resources and job descriptions, in order to provide appropriate assistance to the person with a disability; and
- ? any other quantifiable and demonstrably related costs.

For the purposes of determining whether a financial cost would alter the essential nature or substantially affect the viability of the law firm, consideration will be given to,

- ? the ability of the Law Society to recover the costs of accommodation in the normal course of business;
- ? the availability of any grants, subsidies or loans from the federal, provincial or municipal government or from non-government sources that could offset the costs of accommodation;
- ? the ability of the Law Society to distribute the costs of accommodation throughout the whole operation;
- ? the ability of the Law Society to amortize or depreciate capital costs associated with the accommodation according to generally accepted

accommodation (even with outside sources of funding) or health and safety risks<sup>21</sup>

---

- ? accounting principles; and
- ? the ability of the Law Society to deduct from the costs of accommodation any savings that may be available as a result of the accommodation, including tax deductions and other government benefits, an improvement in productivity, efficiency or effectiveness, any increase in the resale value of property, where it is reasonably foreseeable that the property might be sold and any increase in clientele, potential labour pool.

See *Policy and Guidelines on Disability and the Duty to Accommodate*, supra note 12 at 31.

<sup>21</sup> The Ontario Human Rights Commission states that,

Organizations have a responsibility to undertake health and safety precautions that would ensure that the health and safety risks in their facilities or services are no greater for persons with disabilities than others. Where a health and safety requirement creates barriers for a person with a disability, the accommodation provider should assess whether the requirement can be waived or modified. If waiving the health and safety requirement is likely to result in a violation of the *Occupational Health and Safety Act*, the employer should generate alternative measures. The employer might be able to claim undue hardship after these measures were undertaken and a significant risk still remains.

In determining whether an obligation to modify or waive a health or safety requirement, whether established by law or not, creates a significant risk to any person, consideration will be given to,

- ? the significance, probability and seriousness of the risk;
- ? the other types of risks that the person responsible for accommodation is assuming within the organization; and
- ? the types of risks tolerated within society as a whole, reflected in legislated standards such as licensing standards, or in similar types of organizations.

The risk that remains after all precautions, including accommodation, have first been made to reduce the risk will determine undue hardship.

In determining the seriousness of the risk, the following four factors will be considered:

- ? the nature of the risk: what could happen that would be harmful?

would create undue hardship. In that case it will provide details, in writing, of the cost of accommodation or the health and safety reasons that have lead the Committee to conclude that there is undue hardship. The evidence required to prove undue hardship must be objective, real, direct, and, in the case of cost, quantifiable<sup>22</sup>.

19. If accommodation is not possible because of undue hardship, the Accommodation Committee will explain this clearly to the person concerned and be prepared to demonstrate why this is so.
20. The Accommodation Committee may grant a request, deny a request, or propose an alternative to the request.
21. If the request for accommodation is denied, the person seeking accommodation may file a complaint under the Law Society's *Workplace Harassment and Discrimination*

- 
- ? the severity of the risk: how serious would the harm be if it occurred?
  - ? the probability of the risk: how likely is it that the potential harm will actually occur? Is it a real risk, or merely hypothetical or speculative? Could it occur frequently?
  - ? the scope of the risk: who will be affected by the event if it occurs?

See *Policy and Guidelines on Disability and the Duty to Accommodate*, supra note 12 at 34-37.

<sup>22</sup> The Accommodation Committee must present facts, figures, and scientific data or opinion to support a claim that the proposed accommodation in fact causes undue hardship. Objective evidence includes, but is not limited to,

- ? financial statements and budgets;
- ? scientific data, information and data resulting from empirical studies;
- ? expert opinion;
- ? detailed information about the activity and the requested accommodation;
- ? information about the conditions surrounding the activity and their effects on the person or group with a disability.

See *Policy and Guidelines on Disability and the Duty to Accommodate*, supra note 12 at 30.

## *Prevention Policy & Procedures*<sup>23</sup>.

### *Types of accommodation*

22. Accommodation is a matter of degree, rather than an all-or-nothing proposition. Different ways of accommodating the needs of persons seeking accommodation can be drawn along a continuum from those means that are most respectful of privacy, autonomy, integration and other human values, to those that are least respectful of those values.<sup>24</sup>
23. There is also a continuum with respect to how the accommodation may be accomplished. At one end of this continuum would be full accommodation (i.e., that which would most respect the person's dignity) that could be done immediately. Next would be phased-in full accommodation<sup>25</sup>, followed by full accommodation accomplished through a reserve fund<sup>26</sup>. Alternative accommodation (i.e., that which

---

<sup>23</sup> If a complaint may not be settled through the internal procedure, the person seeking accommodation may also file a complaint with the Ontario Human Rights Commission.

<sup>24</sup> Perhaps the most common example of an accommodation that demonstrates little respect for the dignity of a person with a disability is a wheelchair entrance over the loading dock or through the garbage room.

<sup>25</sup> An accommodation may be phased in over an extended time period. It may still be possible to make interim accommodation for an individual. If the short-term and long-term accommodation can be accomplished without undue hardship, both accommodations may be required. (See *Policy and Guidelines on Disability and the Duty to Accommodate*, *supra* note 12 at 39)

<sup>26</sup> The Law Society could establish a reserve fund into which payments are to be made by a person responsible for accommodation, under specified conditions. One of the conditions should be that the reserve fund is to be used only to pay for accommodation costs in future. Other conditions related to timing, amounts of expenditures, natures of the accommodation, etc., could be included in the settlement agreement. This is similar to phasing in an accommodation over a period of time, as it is anticipated that the accommodation would gradually be accomplished by expenditures out of the reserve fund or would eventually be accomplished once enough funds had been set aside.

A reserve fund should be used in circumstances where it would create undue hardship for the Law Society to accomplish the accommodation immediately.

would be less respectful of the person's dignity) that could be accomplished immediately would be next on the continuum, followed by phased-in and reserve fund alternative accommodations, respectively. Interim accommodation, which is most respectful of dignity, could be placed anywhere on the continuum in addition to alternatives to immediate, full accommodation.

24. In determining reasonable accommodation, the Accommodation Committee will consider the full range of options and balance the respective interests.

**APPENDIX C**

**ACCOMMODATION BENEFITS AND SERVICES  
AVAILABLE AT THE LAW SOCIETY OF UPPER CANADA**

**APPENDIX D**

**POLICY AND PROCEDURES FOR ACCOMMODATIONS  
FOR STUDENTS-AT-LAW IN THE BAR ADMISSION COURSE**

**DEPARTMENT OF EDUCATION**



**POLICY AND PROCEDURES FOR ACCOMMODATIONS  
FOR STUDENTS-AT-LAW IN THE BAR ADMISSION COURSE  
(BAC) - DEPARTMENT OF EDUCATION  
2001**

**Revised:        June 1999  
                     February 2001**

## **Rationale**

As the governing body of a profession concerned with justice, the Law Society of Upper Canada (LSUC) has both a legal obligation under the Ontario *Human Rights Code* and a strong interest in ensuring that all of its operations reflect principles of equity. In a number of its publications, most recently in its Bicentennial Report and Recommendations on Equity Issues in the Legal Profession<sup>27</sup>, the Law Society has undertaken measures to put its commitment to equity into everyday practice.

The Bicentennial Convocation of May 1997 accepted a number of recommendations, including the following:

The Law Society should continue to ensure that Bar Admissions:

- (a) includes material designed to increase the profession's understanding of diversity/equity issues;
- (b) encourages the participation of equality-seeking groups in its design, development and presentation;
- (c) uses material that is gender neutral;
- (d) uses audio-visual material that includes the faces and voices of equality-seeking groups;
- (e) is administered so that its demands do not impact disproportionately on the basis of personal characteristics noted in Rule 5.04.

In doing so, the LSUC has acknowledged that treating people identically is not synonymous with treating them equally. Substantive equality requires the accommodation of differences that arise from the personal characteristics cited in the *Human Rights Code*. If a rule, requirement or expectation of the BAC creates difficulty for an individual because of factors related to the personal characteristics listed in the Code<sup>28</sup>, the duty to accommodate arises.

---

<sup>27</sup> May 1997 LSUC

<sup>28</sup> In respect of the provision of a service such as the BAC, the relevant grounds are: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or handicap.

There has been an increasing demand from students (clients) to accommodate requests **related, for the most part, to disabilities, pregnancy, language issues, and needs arising from their responsibilities as parents.** Past practices for accommodating students have been considered on an *ad hoc* basis and on many occasions, have proven to be unreliable, inconsistent and inequitable. With increasing demands for special accommodations of varying degree and types, there is now a strong need to identify specific roles and responsibilities of students, faculty/instructors, and the Bar Admission Course (BAC) administration in the provision of such services.

## **Policy**

It is the policy of the Department of Education that the Bar Admission Course must have a strong interest in ensuring that its requirements are directly and logically connected to competence to practice law, and that persons who wish to practice law in Ontario are not effectively barred from the opportunity to qualify because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, handicap or the receipt of public assistance.

Assessing whether accommodation is needed and what accommodation may be appropriate is an ongoing responsibility of the BAC. In carrying out its responsibility, the BAC must be prepared to respond to the need for both system-wide accommodation and individualized, short-term or experimental accommodation.

## **Purpose**

The purpose of this policy and the procedures is **threefold**:

- 1) to identify the issues that arise in developing accommodation strategies;**
- 2) to set the principles and the practice guidelines in respect of accommodation;**
- 3) to set out in written form the procedures and strategies for accommodation for the BAC that have been developed over the past years.**

## **Scope**

This policy and the procedures will be applicable to all the Bar Admission Course locations, which are presently located in London, Ottawa and Toronto. The nature of the specific accommodations may vary from site to site, and some forms of accommodation may be extendable to those involved in distance education.

## **Procedures**

### **1.0 Identify Issues that Arise in Developing Accommodation Strategies**

- 1.1 A need for system-wide accommodation, and the nature of accommodation that would be appropriate, is often obvious and foreseeable, allowing orderly planning, consultation and budgeting processes. An example of this type of accommodation is making structural changes, such as door-widening, ramps and elevators, to physical space to accommodate persons with mobility disabilities.
- 1.2 A need for individualized accommodation can come up at any time, is often unforeseen by the BAC and may be unforeseeable even by the student requiring the accommodation, and may involve ad-hoc, temporary or experimental strategies. Arriving at an appropriate strategy requires a thorough grounding in the relevant legal obligations, the ability and willingness to collaborate with the affected student(s) and a readiness to act quickly (since the individual(s) ideally need to finish the BAC in a timely fashion).
- 1.3 Some types of accommodation have no resource implications. Others can be expensive. Costs can be contained and unforeseen contingencies minimized as the BAC becomes more adept at the identification of barriers and knowledgeable concerning accommodation strategies. The BAC should take full advantage of any resources, from available literature to the views of individual students and members of the Law Society, in its planning. Budget planning should be conducted on an ongoing basis. The BAC should maintain detailed written records concerning both its annual short, medium and long-term planning sessions and its experiments in various accommodation strategies, their success or failure, and points to be learned therefrom.
- 1.4 Accommodation will not be provided if it imposes undue hardship on the program. This determination will be made on a case-by-case basis by the Registrar. If accommodation is refused, the refusal can be brought to the Director of Education (see Appeal Procedure - 4.0). Considerations that may influence this determination include substantial economic hardship on the LSUC, the unavailability of persons with appropriate expertise, a significant adverse impact on learning opportunities for other students, a significant alteration of the fundamental nature of the program or service or undue disruption of the institution's program operations.
- 1.5 The accommodation policy will be operated within the overall mandate of the Law Society to ensure that entrants to the profession are competent to practice law.

## **2.0 Establish Principles and Practice Guidelines in Respect to Accommodations**

- 2.1 The BAC will undertake a review of its practices, on a regular basis, to identify barriers that might affect students identified by the personal characteristics listed in s.2 of the *Human Rights Code*.

- 2.2** The BAC will maintain a confidential accommodation-related information-collection process, through the Student Success Centre.
- 2.3** The BAC will brief faculty/instructors concerning its policy and procedures, in recognition of their importance to the success of the BAC and to promote appropriately their response to students' needs.
- 2.4** The BAC will inform all students of its accommodation policy, of the information-collection and planning service, and of the nature of available accommodations prior to the commencement of the course. The BAC will encourage students to identify personal characteristics that might involve a need for accommodation, and to bring to the attention of the BAC, as soon as possible, barriers that might affect students because of the personal characteristics listed in the policy.
- 2.5** If a student asserts that a requirement or practice operative in the BAC constitutes such a barrier, the BAC will undertake the following procedure, with a view to assessing the need for and the nature of one or more suitable accommodation strategies:
- 2.5.1** Unless the link between the perceived barrier, which results from a BAC requirement or practice, and race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, handicap or the receipt of public assistance is clear to the Registrar (or designated BAC representative), the Registrar will meet with the student and undertake any research necessary to satisfy the BAC of the link. The student will be expected to provide suitable verifiable information concerning the personal characteristic at issue, (eg: appropriate documentation and assessment of a disability), if this information is necessary.
- 2.5.2** The requirement or practice will be examined to determine whether it is "reasonable and bona fide." There must be objectively verifiable evidence linking the rule, requirement or expectation with the essential objectives of the BAC. If the requirement or practice is not imposed in good faith or is not necessary to the BAC, it will be altered or dispensed with.
- 2.5.3** If the requirement or practice is imposed in good faith and is strongly logically connected to an essential objective of the BAC, the next step is to consider whether the individual(s) who experience disadvantage because of the rule can be accommodated.

**2.5.4** A number of accommodation strategies may be used to fulfil the BAC's obligations. In the interest of both prompt attention to the needs of a particular student, and the need to explore the utility of various accommodation strategies, an interim or experimental strategy may be implemented. The BAC will consult with the requesting student(s), and consider any suggestion offered by the requesting student(s), in arriving at a timely individual-based strategy. The BAC may consult more widely in attempting to devise the most suitable strategy for any accommodation that may be offered more generally.

**2.5.5** Accommodation will be offered to the point of undue hardship. If the BAC asserts that a requested accommodation imposes undue hardship, it will prepare a written report setting out the nature of the accommodation refused, and the factors that support its view that undue hardship would ensue.<sup>29</sup>

### **3.0 Current Assistance Initiatives and Procedures Developed for Accommodation to the Bar Admission Course**

#### **3.1 Student Success Centres and the Services**

**3.1.1** Ensures “fair, equal, and non-discriminatory” access to all courses.

**3.1.2** Coordinates and provides supports that improve the learning environment of students, such as case management, assessment services (when required), access to technical aids and a support centre built around students, faculty/instructors and staff.

**3.1.3** Seeks to improve the awareness and support of the legal community through consultation and coordination of professional development activities for internal and external members.

---

<sup>29</sup> In *Central Alberta Dairy Pool v Alberta (Human Rights Commission)*, Madame Justice Wilson provided a list of factors to be considered that included financial cost, disruption of a collective agreement, size of employer's operation, safety risks and who bears risk, and problems of morale of other employees. She stressed that the list was not a closed one. Accommodations in employment that have been considered reasonable by courts and tribunals have included paid absence to fulfil religious obligations, flexibility in work schedules, and modification of job requirements.

The onus of establishing that a particular accommodation causes undue hardship rests with the party alleging undue hardship.

**3.1.4** Provides accommodation for students who are unable to comply with the conditions or requirements of the course, by adapting the conditions or requirements or by providing alternative ways for the individual to meet the conditions or requirements.

### **3.2 Exam Assistance Accommodations (Examples)\***

**3.2.1** Extended time to complete examinations.

**3.2.2** Use of special equipment such as a personal computer.

**3.2.3** Use of private rooms.

**3.2.4** Examinations in alternative forms such as audio tape, Braille, text to speech.

**3.2.5** Use of readers, scribes in the examination setting.

**3.2.6** Alternative methods of examination and evaluation.

**3.2.7** Provide appropriate invigilation through the Student Success Centre.

### **3.3 Tutoring\***

**3.3.1** Upon request, may provide assistance to students who are having difficulty with any examinations or assessments . (Note: Such tutoring may be denied where students have not attended or where significant self study has not been demonstrated.)

**3.3.2** There is no cost to the student for the first five hours of tutoring for any course and where financial difficulty exists further hours can be arranged at no cost to the student.

### **3.4 Mentoring\***

**3.4.1** May be provided upon request, if available, by lawyers who were recent Calls to the Bar to any student-at-law requiring advice and assistance on study or examination strategies, or information on course experiences and expectations.

**3.4.2** No charge to any student-at-law.

### **3.5 Self-directed Learning**

---

\*

denotes services offered by the Student Success Centres.

**3.5.1** Provides accommodations for students-at-law to take the courses in the Substantive/Procedural Phase away from Toronto, London, Ottawa, Kingston and Windsor, and complete the Bar Admission Course through self-directed study arrangements.

### **3.6 Student Accommodation and Assistance for the Call to the Bar**

**3.6.1** Provided at the call to the Bar as requested by students:

- i) accessible seating
- ii) mobility assistance
- iii) oral and visual interpreters
- iv) FM systems

**3.6.2** Requests for special services must be made by the student at least **one month** prior to the Call to the Bar.

**3.6.3** May provide financial relief through bank loans or other financial aid programs to students at risk of delaying their call to the Bar due to outstanding BAC fees.

### **4.0 Procedure for Requesting an Accommodation or Appeal**

**4.1** Requests for accommodation in the majority of cases are worked out with the Student Success Centre.

**4.2** A description of the problem at issue, the accommodation being sought, and any appropriate documentation of past accommodation for this problem (where applicable) must accompany the request. Verification to support disability requests for accommodation may be required if not previously documented.

**4.3** If the accommodation cannot be made or is unsatisfactory, the student may:

**4.3.1** discuss the request with the Registrar.

**4.3.2** If unresolved, discuss the request with the Director of Education.

**4.3.3** If unresolved, file an appeal to the Admissions Committee.

**4.4** The decision on an appeal by the Admissions Committee is final.

Appendix 1

*Human Rights Code* Revised Statutes of Ontario, 1990, Chapter H.19, as amended

1. Every person has a right to equal treatment with respect to services, goods and facilities, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or handicap. R.S.O. 1990, c. H.19, s. 1.

...

6. Every person has a right to equal treatment with respect to membership in any trade union, trade or occupational association or self-governing profession without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or handicap. R.S.O. 1990, c. H.19, s. 6.

...

10 (1)

...

"family status" means the status of being in a parent and child relationship;

...

"because of handicap" means for the reason that the person has or has had, or is believed to have or have had,

(xxiv) 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, including diabetes mellitus, epilepsy, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a dog guide or on a wheelchair or other remedial appliance or device,

(xxv) a condition of mental retardation or impairment,

(xxvi) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,

(xxvii) a mental disorder, or

(xxviii) an injury or disability for which benefits were claimed or received under the *Workers' Compensation Act*.

...

"marital status" means the status of being married, single, widowed, divorced or separated and includes the status of living with a person of the opposite sex in a conjugal relationship outside marriage;

"record of offences" means a conviction for,

(a) an offence in respect of which a pardon has been granted under the *Criminal Records Act (Canada)* and has not been revoked, or

(b) an offence in respect of any provincial enactment;

...

1. The right to equal treatment without discrimination because of sex includes the right to equal treatment without discrimination because a woman is or may become pregnant. R.S.O. 1990, c. H.19, s. 10 (2).

...

#### Constructive discrimination

11. (1) A right of a person under Part I is infringed where a requirement, qualification or factor exists that is not discrimination on a prohibited ground but that results in the exclusion, restriction or preference of a group of persons who are identified by a prohibited ground of discrimination and of whom the person is a member, except where,

(a) the requirement, qualification or factor is reasonable and bona fide in the circumstances; or

(b) it is declared in this Act, other than in section 17, that to discriminate because of such ground is not an infringement of a right. R.S.O. 1990, c. H.19, s. 11 (1).

Idem

(2) The Commission, the board of inquiry or a court shall not find that a requirement, qualification or factor is reasonable and bona fide in the circumstances unless it is satisfied that the needs of the group of which the person is a member cannot be accommodated without undue hardship on the person responsible for accommodating those needs, considering the cost, outside sources of funding, if any, and health and safety requirements, if any. R.S.O. 1990, c. H.19, s. 11 (2); 1994, c. 27, s. 65 (1).

Idem

(3) The Commission, the board of inquiry or a court shall consider any standards prescribed by the regulations for assessing what is undue hardship. R.S.O. 1990, c. H.19, s. 11 (3); 1994, c. 27, s.65 (2).

...

#### Special programs

14. (1) A right under Part I is not infringed by the implementation of a special program designed to relieve hardship or economic disadvantage or to assist disadvantaged persons or groups to achieve or attempt to achieve equal opportunity or that is likely to contribute to the elimination of the infringement of rights under Part I.

...

#### Handicap

17. (1) A right of a person under this Act is not infringed for the reason only that the person is incapable of performing or fulfilling the essential duties or requirements attending the exercise of the right because of handicap. R.S.O. 1990, c. H.19, s. 17 (1).

#### Accommodation

(2) The Commission, the board of inquiry or a court shall not find a person incapable unless it is satisfied that the needs of the person cannot be accommodated without undue hardship on the person responsible for accommodating those needs, considering the cost, outside sources of funding, if any, and health and safety requirements, if any. R.S.O. 1990, c. H.19, s. 17 (2); 1994, c. 27, s. 65 (2).

**APPENDIX E**

**LAW SOCIETY OF UPPER CANADA  
FREQUENTLY ASKED QUESTIONS ON ACCESSIBILITY**

# LAW SOCIETY OF UPPER CANADA

## FREQUENTLY ASKED QUESTIONS ON ACCESSIBILITY

17% of the Canadian population live with a disability. These questions and answers are intended to provide information to departments intending to hire staff with physical or mental disabilities, and to staff experiencing a temporary or permanent disability. The information should also be relevant to assist students and visitors to Law Society. The FAQs are intended to highlight problems and potential solutions.

There are province wide policies and guidelines on disability and the duty to accommodate people with disabilities. The Canadian Standards Act, and the Federal and Ontario building codes (“OBC”) mandate installation of appropriate features to facilitate access for everyone with a disability. The Law Society’s philosophy is to respect the dignity of persons and to exceed these minimum standards, without creating **undue** financial or logistical hardship. The age of Osgoode Hall and its status as a heritage building provide special challenges to enhancing accessibility.

There is no set formula for accommodating people with disabilities. Each person’s needs are unique and must be considered afresh when an accommodation request is made. A solution may meet one person’s requirements but not another’s, although it is also the case that many accommodations will benefit large numbers of persons with disabilities.

In the three years commencing in 2001, the Law Society is embarking on a program to enhance accessibility within and outside Law Society properties, primarily by designing by inclusion and removing barriers. While examples in this set of FAQs are orientated around Osgoode Hall, the principles discussed apply to all locations. A set of site specific FAQs for locations other than Osgoode Hall will also be produced.

### **IN AND OUT**

#### **2. What is the best way into Osgoode Hall for disabled people?**

The Law Society entrance on the east side of Osgoode Hall has the only ramp into the building (this includes the court side (the west side) of Osgoode Hall). This entrance also provides the best disabled access to the elevators in the building. The accessibility renovations will implement an external signage system, directing people to the barrier free entrance.

There are also external doors on the north side of the education wing in the east corner which are relatively barrier free. However these doors are currently for exit only, and therefore require the assistance of someone inside the building. This may improve with the implementation of the Law Society’s new security system.

**3. How accessible are the south entrances to Osgoode Hall?**

The entrances on the south side of Osgoode Hall are preceded by historical cattle gates, cobblestones, difficult curbs and stairs. Once inside the building, access to parts of the building are limited by stairs. These barriers are unlikely to be completely eliminated in the near future.

**4. What is a disabled person's best way out of Osgoode Hall in an emergency?**

At present there are no "areas of refuge" in fire proof stair wells where disabled people can wait for assistance in an emergency (OBC: Buildings with sprinkler systems are not required to have areas of refuge). It is important that prior notification and arrangements be made with fire marshalls and other people who can provide the disabled person with assistance during any evacuation of the building.

**5. How are disabled people notified if the building is evacuated?**

While complying with the relevant building code, the existing alarm system and exit directions may not be sufficient for certain disabled people. It is therefore crucial that departments and fire marshalls consider various situations in advance, and have plans in place. As part of the accessibility renovations:

- ? It is intended to enhance exit signage to facilitate comprehension, and improve directions to relatively barrier free exits;
- ? It is intended to install visual fire alarms in washrooms. As there will not be visual fire alarms in all parts of the building, it is important to consider deaf people in evacuation plans.

**MAKING YOUR WAY INSIDE**

**6. What signage assistance is available inside the building?**

As part of the accessibility renovations, it is intended to upgrade barrier free signage within the building. This includes improving lighting and providing general directions, barrier free access directions and directions to the Ontario Courts. Current conditions comply with code, but may not be comprehensible to certain disabled people, therefore other options such as personalised mapping may be required in the early stages of a disabled person's employment. Maps available to the public will detail the public areas of buildings.

**7. Are the elevators accessible to all?**

The Law Society intends to place directional signs to elevators at stairs to assist the disabled.

Improvements to elevators being implemented are:

- ? Audible floor enunciators;
- ? Appropriate floor signage on doorposts;
- ? Lowering the hall buttons used to summon elevators and improving tactile features;
- ? Lowering the internal operating buttons and emergency phones, and improving their tactile features.

Until these improvements are implemented, it would be worthwhile to consider the impact of the lack of these features on disabled people.

There are four sets of elevators in the Law Society part of Osgoode Hall. All will hold wheelchairs, electric carts and similar assistive devices.

- ? The most southerly elevator with the shaft close to Finance, Convocation Hall and the Barristers Lounge is too narrow in which to turn a wheelchair (OBC: Dimensions of 1,370mm X 1,725mm to allow wheelchair turning), but does have a rear door on the first floor.
- ? The pair of elevators in the Education wing with the shaft close to the Lecture Theatre are sufficiently large to allow wheelchair turning.
- ? The special access elevator with the shaft near Rooms 201 - 209 is required by provincial law to be locked when not in use. Therefore key holders should always be available to allow the elevator to be used.
- ? The special access elevator with the shaft near the main stairs to the sixth floor is required by provincial law to be locked when not in use. Therefore key holders should always be available to allow the elevator to be used.

## **8. What areas of the Law Society have barriers to access which are difficult to overcome?**

There is no route to the attic at the south end of Convocation Hall which does not involve climbing a significant number of stairs. It is not practical to improve this access.

The washrooms servicing the Barristers lounge area are accessed by steep narrow stairs. It is not practical to improve this access. Some washrooms may be accessible but unusable because of internal size and / or structure.

Moving between floors in the Benchers Quarters requires travelling significant distances to and from an elevator (shaft close to Finance, Convocation Hall and the Barristers Lounge).

Doors that do not have an opening of at least 890mm are not accessible for many people who use assistive devices for mobility. The opening of a door is often narrower than the width of a door, unless the door is opened more than 90 degrees. The width of doors in Osgoode Hall varies significantly, and a complete retrofit is not

practical. The new security system and accessibility renovation will enhance access through the doors in the halls and corridors. However access to individual rooms, offices, washrooms etc will be reviewed on a case by case basis, and renovations made. Part of this review will consider whether door knobs should be replaced by levers. Where it is impossible to create a barrier-free entrance to an area, then a call-button, phone or intercom can be considered.

## **9. Can ramps play a role?**

All interior ramps must have a slope no greater than 25:300mm. Hand rails and adequate landings are required. As part of contemplated renovations, modifications will be made to some existing ramps.

## **WASHROOMS**

### **10. What limits a washroom's accessibility?**

*Location:* Washrooms made inaccessible because of their location will have signs directing people to barrier-free facilities. Some internal features are more of a barrier than others, and should be considered on a case-by-case basis.

*Lighting:* Washroom lighting should be a minimum of 200lx, with an automatic switch or external switch no higher than one metre from the ground. Internal colours should contrast to assist in distinguishing areas.

*Doors:* Exterior and stall doors should have an opening of at least 890mm to be accessible, and should open outward. Handles should be able to be manipulated by a fist. Doors should close automatically.

*Space:* To manoeuvre a wheelchair or similar device, an area of 2 metres by 2 metres is required, and wall mounted appliances should not intrude into this space.

*Appliances:* People of limited abilities and varying physical stature require accessible storage such hooks and shelves. Towels / hand-dryers and soap dispensers should be close to basins, mounted between 900mm and 1,200mm from the floor, and be operable using a closed fist.

*Floors:* Non-skid, smooth floors are required in all washrooms.

*Sinks:* There are precise measurements to both allow and assist access to sinks. In general terms, the centre of the sink should be at least 460mm from the side wall and the top of the sink should be approximately 840mm from the floor. Tap handles should be long and be operable with a closed fist.

*Toilets:* There are precise measurements to both allow and assist access to toilets. In general terms, the centre of the toilet should be at least 460mm from any side wall, approximately 480mm high, with at least 900mm space on one side to allow transfer. Wall mounted L-shaped transfer bars should be approximately 800mm from the floor, and no more than 300mm from the back wall. L-shaped not angled transfer bars should be used next to toilets. There should be vertical bars of at least a meter bracketing urinals.

Currently 8 of the 41 washrooms in Osgoode Hall have been modified to be fully wheelchair accessible.

## **OTHER**

### **11. How can I assist to maintain an accessible workplace?**

Be conscious of barriers and hurdles faced by the disabled. For instance don't place temporary objects, like tables, in corridors that may block access to those who have limited manoeuvrability. Objects such as wall mounted boxes, should have cane detectable barriers. Consider what systems to assist those with limited hearing ability would be appropriate in your area.

The increasing use of audioconferencing, videoconferencing and other distance communications negates some of the access issues identified above.

Work to increase awareness of accessibility issues, and consider staff training to increase comfort and confidence in dealing with people with disabilities.

Contact Facilities if you have any suggestions, problems or questions.