



# Accommodating Diversity

Tribunal Perspectives

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Ontario Human Rights Commission

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# Perspective of the Human Rights Commission – Obligation to Provide Equal Treatment in the Provision of Services



# Access at the Front Counter



# Examples



- Availability of ASL/QSL
- interpretation services (*Eldridge*)
- Availability of accessible formats for Forms, Applications, Brochures and information including readable discs, Braille, audio and on-site assistance
- Illiteracy? The need to ask?
- Physical access to counter, talking elevators accessible washrooms

# Inside the Hearing Room

Accessible? Accommodating? Available?



# Accessible Examples

- Steps? Width of aisles? Talking elevators?
- Hat rules? Turbans, Kippas and Rasta Hats
- requirement to stand when decision-maker enters, and impact on religious observance?
- Kirpan in the hearing room?
- Mental health issues – teleconference capabilities, screens, alternate settings

# Accommodation Examples

Being Proactive – Asking at the Outset

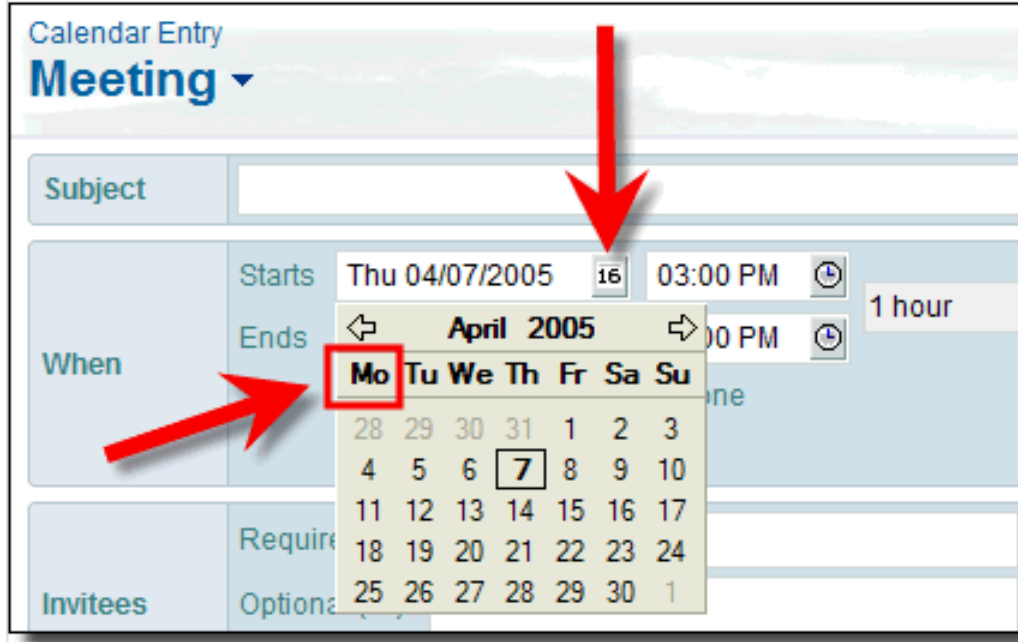
“Does anyone require the services of . . .

- ASL/QSL, interpreters, visual enhancement
- Illiteracy – The need to ask, and to allow for a dignified answer (ex. speak to this person)
- disability – teleconference capability
- moving the hearing room

# Availability Examples

- Physical Locations in Ontario, particularly North and Northwestern Ontario
- Flexibility in “Designated” Locations
- Written Hearings and E-hearings
- Telephone Trees – Arrghhhh!!!
- The need for a live person and ability to hit “O”





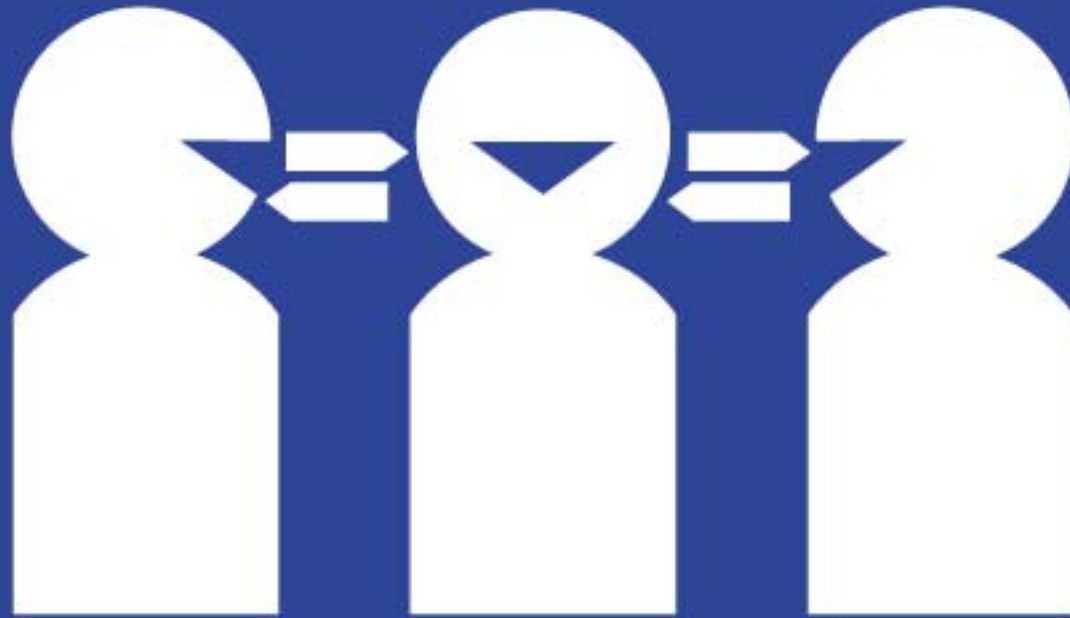
## Date Setting Be Proactive!

Calendars should include almost every religious holy day and holiday. You should “ask each time”

General rule with respect to Friday re: Islam.

Good Calendar at:

[http://www.durhamcollege.ca/EN/main/campus\\_services/diversity/multi\\_faith.php](http://www.durhamcollege.ca/EN/main/campus_services/diversity/multi_faith.php)



**Interpreter**

# Charter Section 14

**14.** A party or witness in **any proceedings** who does not understand or speak the language in which the proceedings are conducted or who is deaf has the right to the assistance of an interpreter. (emphasis added)

# Interpreters – Who Pays?

- *Wyllie v. Wyllie* [1987] B.C.J. No. 453 (SC)

Where person is not impecunious state does not have to pay. Might have to if person is poor.

- Unaware of any Tribunal that has a Rule that permits impecunious litigants, or witnesses, to apply for interpreter services (ex HRTO)
- Arguably, contrary to the *Charter*

# Is “diversity” a dirty word?

## Cute Cats Approach



“diversity” = mere “lip service”

Reduced to food, entertainment, and “inclusive celebrations”

- cultural sensitivity and “credibility” training courses are not enough

# “Walking the Walk”

true commitment means:

- acknowledgement of the existence of racism
- anti-racism approach
- recognize that decision-making panels should reflect Ontario society



# Essential Anti-Racism Elements

“Employment Equity” in  
recruitment,  
advancement and  
promotion for  
Tribunals

Interview Panels reflect  
“Look For” Questions  
Demonstrated  
Commitment to Anti-  
Racism





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