

## **Toronto Seniors Housing Corporation (TSHC) Tenant Human Rights Policy**

**Policy Sponsor:** Director, Strategy and Business Management

**Approver:** Board of Directors

**Initial Approval Date:** October 24, 2024

**Effective Date:** October 24, 2024

### **Policy Statement**

Under the Ontario *Human Rights Code*, every person has the right to be free from harassment and discrimination. Toronto Seniors Housing Corporation (TSHC) will promote and protect tenants' human rights by creating an environment that is supportive of seniors' needs, includes tenants of all backgrounds in all aspects of life at TSHC, and one that is free from harassment and discrimination. TSHC will:

- comply with its obligations under the Ontario *Human Rights Code* (the Code), and applicable legislation
- proactively respond to complaints, requests, or issues related to human rights raised by tenants
- provide a viable internal mechanism and supports that appropriately addresses the tenant's human rights complaints and accommodation requests to the point of undue hardship
- ensure policies and procedures meet its obligations under the Code and applicable legislation during scheduled reviews of policies and procedures
- build awareness among all parties about their rights and obligations under the Code
- train relevant TSHC staff members to appropriately respond to and address human rights complaints
- monitor complaints to enhance accountability and assess the effectiveness of the complaints mechanism and make adjustments as needed

### **Policy Objective**

The Tenant Human Rights Policy (Policy) creates the framework for a system that will proactively address any human rights inquiries, requests, or complaints raised by tenants. This framework is created by laying out key human rights principles, TSHC's commitments to adhering to these principles, as well as the conditions under which TSHC will respond to human rights complaints and requests for accommodation.

### **Scope**

The Policy applies to all Code-related human rights issues affecting tenants who live in TSHC-managed buildings and may use third-party programs and services on

TSHC premises.

Human rights violations may stem directly or indirectly from the actions, behaviours, and decisions of staff, vendors, agencies, as well as other tenants, occupants, or their guests.

The Policy applies to any specific policies, procedures, or practices at TSHC that may directly or indirectly violate a tenant's human rights.

## **Social Areas**

The social areas covered under the Policy include:

- housing
- services accessed by TSHC tenants
- any contracts that TSHC enters into with vendors, agencies, and other organizations to provide these services

## **Protected Grounds**

Discrimination or any form of harassment is prohibited based on the following grounds or personal attributes, as listed in the Code.

- age
- ancestry, colour, race
- citizenship
- ethnic origin
- place of origin
- creed
- disability
- family status
- marital Status (including single status)
- gender identity
- gender expression
- receipt of public assistance
- sex (including pregnancy and breastfeeding)
- sexual Orientation

The Code also provides protection to people who experience discrimination or harassment because of their association, relationship, or dealings with a person identified by a ground of the Code.

## **Out of Scope**

This Policy does not apply to complaints made by staff or complaints made by any tenants regarding issues unrelated to human rights. Examples include complaints about unresolved service requests, fraud, or waste where there is no connection

to a Code protected ground (for complaints related to unresolved service requests, see [TSHC's Interim Procedure for Service Requests and Tenant Complaints](#)).

In addition, the Policy does not apply to human rights complaints made by TSHC staff members (for human rights and employment, refer to TSHC's Human Rights Policy for Staff).

## Definitions

**Adverse Impact:** If a behaviour or a practice, whether unintentional or not, has a negative effect on a group or a person, it is an adverse impact. This is a key condition to determine whether a person's human rights have been violated and if so, what actions need to be accordingly taken.

**Complainant:** The individual who makes a complaint to TSHC about a potential violation of their human rights at TSHC.

**Complaint:** An expression of grievance about a potential violation of an individual (or group's) human rights at TSHC.

**Discrimination:** Discrimination includes any distinction, including any exclusion, restriction, or preference based on a prohibited Code ground, that impairs the recognition of human rights and fundamental freedoms.

The form of discrimination may be an action or decision that disadvantages a particular person or group, or it may be that a policy, procedure, or a practice is negatively impacting an individual or group indirectly.

A practice, behaviour, action, or decision which results in the distinction, exclusion, restriction, etc., of a person based on Code grounds, including but not limited to age, gender identity, disability, or race, may be discriminatory regardless of whether it is intentional or not.

The following must be established to constitute a complaint under the Code:

- They have a characteristic protected under the Code.
- They have experienced adverse impact/treatment under one of the three social areas detailed in this Policy (Housing, Services, and Contracts).
- The protected characteristic was a factor in the adverse treatment.

**Duty to Accommodate:** TSHC has a duty to accommodate Code-related rights of tenants, to make sure that the housing they supply is designed to include people identified by Code grounds, and to take steps to remove any barriers that may exist, unless to do so would cause undue hardship.

The duty to accommodate may consist of adjustments to policies, procedures, and practices that may otherwise be adversely impacting a particular individual or a group that is protected under the Code.

The tenant and TSHC are responsible for identifying accommodation needs and cooperating to identify, review, and implement suitable accommodation (for details on accessibility, refer to TSHC's [Accessibility Policy and Accessible Customer Service Policy](#)).

**Grounds:** The personal attributes that are protected under the Ontario *Human Rights Code* from discrimination and harassment and used as a basis to determine the nature of a discriminatory practice, action, or behaviour, and accordingly verify whether this was a violation of Code provisions.

**Harassment:** Engaging in a course of vexatious comment(s) or conduct that is known or ought reasonably to be known to be unwelcome amounts to harassment.

Comments or conduct that are generally known and/or reasonably ought to be known to be offensive, embarrassing, humiliating, demeaning, or generally unwelcome may amount to harassment. Comments or conduct that are specifically targeted against a group that is listed under protected grounds may amount to harassment under the Code. A single comment or action, if sufficiently serious, may amount to harassment.

Examples of harassment include epithets, remarks, jokes, or innuendos related to a person's gender, race, sexual orientation, or any other protected ground; posting or circulating offensive pictures, graffiti, or materials, either in print or virtually; singling out a person for humiliating or demeaning "teasing" or jokes because they are a member of a Code-protected group; comments ridiculing a person because of characteristics that are related to a ground of discrimination.

**Occupant:** A person who is living with the tenant but is not listed as a tenant on the lease.

**Poisoned Environment:** This is created by conduct, comments, or practice that create a discriminatory living environment. The comments or conduct need not be directed at a specific person, and may be from any person, regardless of position or status. A single comment or action, if sufficiently serious, may create a poisoned environment.

**Respondent:** The individual who is the subject of a complaint that has been made against them.

**Social Areas:** The parts of society under which the Ontario *Human Rights Code* applies, including employment, housing, services, unions and vocational associations and contracts.

**Solutions Team:** A team of intake staff trained to process complaints made by tenants and to make an initial determination of whether the complaint constitutes discrimination under the Code.

**Tenant:** A person who has signed a lease with TSHC to reside in and is currently occupying a TSHC unit.

## **Roles and Responsibilities**

All TSHC staff, agencies, and vendors are obligated to carry out their work in a way that respects the human rights of tenants.

Tenants and occupants living in TSHC-managed buildings are also expected to respect everyone's human rights. TSHC will proactively build tenants' understanding of their rights and obligations under the Code as well as the Tenant Human Rights Complaints Procedure (Procedure) through outreach and engagements.

TSHC will respond to and address human rights complaints made by tenants in an objective and responsive manner, in compliance with the Policy and Procedure.

## **Intake and Processing of Complaints**

TSHC's Solutions Team will be responsible for receiving human rights complaints made by tenants. They will initially assess whether the complaint engages protections under the Ontario *Human Rights Code* and accordingly escalate the complaint to a committee appointed by TSHC's Leadership Team. The committee will verify the Solution Team's assessment and determine whether additional resources may be needed to investigate the complaint.

For complaints that are not human rights related, the Solutions Team will advise on steps that can be taken to address the complaint (See [Interim Procedure for Service Requests and Tenant Complaints](#)).

## **Investigating Complaints**

Where an investigation is required, the department designated to handle the investigation process, as laid out in the Procedure, will manage the relationships with all relevant parties that are required to participate in the investigation to complete the process. All reasonable efforts will be taken to conclude the investigation in an efficient and timely manner.

## **Procedural Fairness and Confidentiality**

To ensure the procedure is fair, TSHC will clearly communicate all the relevant steps that the complainant, respondent, and any other parties need to take during the investigation process. TSHC will also make applicable accommodations for all parties to participate fully in the process.

All parties involved in the complaints process will treat the matter as confidential. To maintain the integrity of the complaints process, TSHC will safeguard all information used during and after the investigation unless required to make

disclosures in circumstances laid out in the Procedure.

## Reprisals

It is forbidden to take action against a complainant who has made a complaint of discrimination or harassment in good faith under this Policy or is participating in an investigation under the Policy. Reprisal includes harassment, discrimination, intimidation or imposition of another penalty, or any other action which harms their living conditions. It also includes a threat to take actions or knowingly advising another person to engage in reprisals.

## Key Conditions for Complaints of Discrimination

To make a complaint that constitutes discrimination under the Code, and under the Policy, the complainant must establish the following:

- they have a characteristic protected under the Code
- they have experienced adverse impact/treatment under one of the three social areas detailed in this Policy (housing, services, and contracts)
- the protected characteristic was a factor in the adverse treatment

The form of discrimination may be intentional or unintentional. It may be the conduct, comments, or decisions of a particular individual, or it may be systemic in nature. Examples of systemic forms of discrimination include organizational policies, procedures, or practices at TSHC, or a program or service offered by a vendor or agency, or the absence of provisions that may be considered discriminatory.

## Options Available to Tenants to Make a Complaint

Tenants may make a complaint regarding a violation of their Code-protected rights in accordance with the Procedure. Complaints may be related to alleged human rights violations made by a TSHC staff member, TSHC vendor, agency, or a TSHC tenant, occupant, or their guest. Complaints can also be made in relation to organizational policies and practices that may be violating a tenant's human rights. To support them through the complaints process, tenants may make use of external resources, such as legal counsel.

Where the complainant remains dissatisfied with the results of the internal procedure, tenants may choose to engage with the Ontario Human Rights Tribunal or contact the City of Toronto's Ombudsman office to make a complaint. They may also contact their local councillor. Alternatively, tenants can pursue these options without using TSHC's internal complaints mechanism.

## Related Legislation, Regulations, and TSHC Policies:

- [Ontario Human Rights Code, RSO 1990, c H. 19](#)
- [Residential Tenancies Act \(RTA\), 2006, SO 2006, c 17](#)

- [Accessibility for Ontarians with Disabilities Act \(AODA\), 2005, SO 2005, c 11](#)
- [Housing Services Act \(HSA\), 2006, SO 2011, c 6, Sched. 1](#)
- [Toronto Housing Charter – Opportunity for All](#)
- [TSHC Accessibility Policy](#)
- [TSHC Accessible Customer Service Policy](#)
- [TSHC Tenant Charter](#)

### **Amendments (Revision History):**

Initial policy approved by Board of Directors on October 24, 2024, effective October 24, 2024.

This Policy replaces the former Human Rights, Harassment and Fair Access Policy for Tenants, retired on October 24, 2024.

### **Next Scheduled Review Date: 2027**

This Policy will be reviewed once every three years.

### **Policy Contact**

Director, Strategy and Business Development

### **Appendices**

- Tenant Human Rights Complaints Procedure (under review)
- [Ontario Human Rights Commission’s Policy on human rights and rental housing \(Section 7. Social Housing\), 2009](#)
- [Ontario Human Rights Commission’s Policy on competing human rights, 2012](#)