



HUMAN RIGHTS AND CO-OP HOUSING

By Diane Miles

The Ontario Human Rights Commission (OHRC) launched its new *Policy on Human Rights and Rental Housing* in the fall of 2009, at a well-attended media event in downtown Toronto. The program included a panel presentation of interested stakeholders.

One of the panellists was a young man of colour, visually impaired, who told a compelling story of facing discrimination in his search for housing. Regrettably, his poor treatment was experienced at a co-op. He described inappropriate personal questions at his interview, and the co-op's alleged refusal to allocate a unit because there wasn't one available on the ground floor. He insisted

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he was perfectly able to live on a higher floor. His story made headlines in the *Toronto Star*. This was indeed a sad moment for the young man, and not a good day for co-ops.

One hopes, and believes, that such experiences are rare in housing co-ops, which pride themselves on promoting fair, inclusive communities. Indeed, co-op members come from diverse backgrounds and enjoy opportunities for personal growth and empowerment that may be elusive in other forms of housing. Unfortunately, bad news always travels faster than good, and co-ops cannot become complacent about their obligation to ensure that their communities are free from discrimination and harassment and to accommodate Code-related needs.

This article will look at

- the current human rights context
- some of the special challenges posed by the co-op model
- proactive approaches to preventing and responding to discrimination.

For detailed information on the Code, check the website of the OHRC (www.ohrc.on.ca).

CURRENT CONTEXT

Co-ops need to be aware that they operate in a legal and social context where the protection of individual human rights is being strengthened. The elimination of discrimination in housing is a current focus of the OHRC. Further, Ontario has made a commitment to broad accessibility for people with disabilities. Three key factors in this context are:

1. OHRC Policy on Human Rights and Rental Housing

The Commission's policy, released in October 2009, was developed after a two-year, province-wide consultation on housing, and concerns that breaches of human rights in rental housing are rampant.

The Policy doesn't bring any new rules to the table, but describes, with real-life scenarios and examples, how to understand and prevent human rights abuses. The Policy covers the flow of housing activities, from marketing and member/tenant selection to occupancy rules and services. The Policy also describes the duty to accommodate Code-related needs, the limits of accommodation, and the challenge of balancing the needs of individuals with those of the community.

The main messages to co-ops are that:

- the Code has primacy over co-op by-laws
- "neutral" occupancy rules and practices may inadvertently have negative impacts on people identified by the Code
- members of the co-op community who request accommodation of special needs must be assessed individually and the co-op must be prepared to waive rules to the point of undue hardship.

CHF Canada produced a summary of the policy that can be found on our website in the human rights section of our Resource Centre.

2. New human rights system

In 2008, the structure of Ontario's human rights system changed significantly. The Commission, which had previously investigated complaints and decided whether or not to refer them to the Tribunal for a hearing, no longer has that role. Its main focus is to address the root causes





of discrimination through research and public education. Human rights complaints go directly to the Tribunal and are dealt with by mediation or adjudication. The aim is to resolve all applications within a year. A Legal Support Centre has been set up to offer free legal services to people wanting to file an application to the Tribunal.

The new system has made it easier for people in Ontario to seek resolution and redress of their experiences with discrimination and harassment. Co-ops need to familiarize themselves with the new system and respond promptly if faced with complaints.

3. AODA standards

The *Accessibility for Ontarians with Disabilities Act*, (AODA), passed in 2005, aims to make Ontario accessible to people with disabilities by 2025. Stakeholder committees have been working to develop standards in a number of areas that will affect co-ops (customer service, information and communications, employment and built environment). The customer service standards have been set. They don't apply to co-ops till January 1, 2012, but the expectations are consistent with traditional co-op values and should not bring any surprises. They ask that policies, practices and procedures respect the core principles of independence, dignity, integration and equality of opportunity.

The rest of the standards will be released over the next year. The built environment standards will not apply to existing structures. Nevertheless, it is expected that co-ops will do their best to remove barriers to accessibility and accommodate the needs of members with disabilities.

CHALLENGES FOR CO-OPS

Co-ops operate for the benefit of the community as a whole. The International Cooperative Alliance describes co-op values as ones of “**self help, self responsibility, democracy, equality, equity and solidarity**”. One of the problems with the co-op ethos of “no special privileges” is that co-ops may have difficulty dealing with requests from members for “different” treatment. Co-ops may also struggle with the demands of members whose behaviour affects the rest of the community negatively, when the individual may have Code-related needs that the co-op should try to accommodate. Boards must always act with impartiality when dealing with complaints and requests

for accommodation. But co-op boards have much more knowledge about their community than a typical landlord, which may make the decision-making process more sensitive and challenging.

Some co-ops feel that they have been burned by human rights complaints, and accommodation requests, and forced to settle to cut their losses. There are no easy answers. But for everyone who has a leading role in co-ops there is a need to understand and embrace the fact that the co-op is providing a service that is governed by the **Human Rights Code**. It is also likely that, in the long term, accommodations for individuals create a better and more inclusive environment for everyone.

PROACTIVE APPROACHES TO IMPROVING HUMAN RIGHTS IN CO-OPS

Co-ops must be alert to the fact that their standard practices and procedures may inadvertently discriminate against Code-protected groups. They should be prepared to change or waive the rules where necessary, and not see this as a failure or defeat. Most importantly, co-ops need to respond promptly and efficiently to human rights complaints or requests. The co-op should assume that they are made in good faith, and try to resolve them as quickly as possible.

The Ontario Region has produced a *Human Rights By-law* that will help co-ops to deal with human rights issues. It includes a summary of obligations under the Code and a process for dealing with complaints. It can be found in the Resource Centre of the website. We have also developed a preliminary list of mediation resources that might be helpful should a co-op face human rights complaints.

One takes heart from the fact that, over the past few years, co-op staff associations, federations and other sector organizations have offered and taken up human rights training and discussion opportunities at a great pace. This reflects a broad appreciation that human rights issues are an emerging and dynamic factor in co-op operations. Embracing this reality is consistent with the seventh co-op principle, concern for community, and with traditional co-operative values of social responsibility and caring for others.

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