

Landlords must:

- ❖ Select tenants fairly
- ❖ Support the accommodation needs of all types of families and caregiving relationships
- ❖ Remove barriers
- ❖ Actively ensure tenants are not harassed.

Policies as well as facilities and structures may need updating to meet these needs and uphold human rights.

## Services and family status

Individuals can face barriers and discrimination because of their family status when using services and facilities. Service providers need to recognize and accommodate the special needs of caregivers and their families. This applies to sectors such as restaurants, shops, hotels and movie theatres. This also applies to schools, transit, recreation, social services and other services.

Examples of family status accommodations include:

- ❖ Child and stroller-friendly facilities
- ❖ Swimming pool and other recreation schedules based on purpose, not on age
- ❖ Restaurant access policies
- ❖ Flexible student degree programs
- ❖ Inclusive rules for hospital visits.

Special programs aimed at persons based on their family status are allowed if they are set up to relieve disadvantage or promote equal opportunity.

## Duty to accommodate

Under the *Code*, employers, unions, landlords and service providers all have a legal duty to accommodate based on a person's family status. The goal is to allow employees, tenants, customers and clients equal benefit from and participation in the workplace, housing, facilities and services, to the point of undue hardship. This is a legal test and the employer, union, landlord or service provider would need to prove that the accommodation is too expensive, or that it creates serious health and safety hazards.

Accommodation is a shared responsibility. Everyone involved should share relevant information and explore solutions together. There is no set formula. Accommodations can benefit many people, but individual needs must be considered each time.

Many accommodations can be made easily, at little or no cost. Even where the best solution might result in undue hardship, there is still a duty to take next-best steps until more ideal ones can be put in place.

*As a person with family status needs:* Tell your employer, union, landlord, or service provider what your family status-related needs are, with supporting information as needed, and help explore possible solutions.

*As an employer, union, landlord or service provider:* Accept requests for accommodation in good faith. Ask only for needed information, and keep this information confidential. Find a solution as quickly as possible, and in many situations, – cover the costs, including any expert opinion or documents needed.

## For more information

The Ontario Human Rights Commission's *Policy and Guidelines on Discrimination Because of Family Status* and other publications are available at [www.ohrc.on.ca](http://www.ohrc.on.ca).

To make a human rights complaint – called an application – contact the Human Rights Tribunal of Ontario at:

Toll Free: 1-866-598-0322  
TTY Toll Free: 1-866-607-1240  
Website: [www.hrto.ca](http://www.hrto.ca)

If you need legal help, contact the Human Rights Legal Support Centre at:

Toll Free: 1-866-625-5179  
TTY Toll Free: 1-866-612-8627  
Website: [www.hrlsc.on.ca](http://www.hrlsc.on.ca)

# HUMAN RIGHTS and FAMILY STATUS

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## Ontario's Human Rights Code

The Ontario *Human Rights Code* (the *Code*) provides for equal rights and opportunities, and freedom from discrimination based on various grounds. The *Code* recognizes the dignity and worth of every person in Ontario, in employment, housing, facilities and services, contracts, and membership in unions, trade or vocational associations.

The *Code* protects you from discrimination in these areas based on your family status.

### What is family status?

The *Code* defines “family status” as “being in a parent and child relationship.” This can also mean a parent and child “type” of relationship, that may not be based on blood or adoption ties, but that is based on care, responsibility and commitment. Examples include parents caring for children (also by adoption, fostering and step parenting), people caring for aging parents or relatives with disabilities, and families headed by lesbian, gay, bisexual or transgendered persons.

### Preventing discrimination

As a first step to preventing discrimination, employers, service providers, landlords and the public need to recognize human rights issues based on family status. If their needs are not

recognized or supported, family caregivers often face barriers in accessing housing, jobs and services.

This especially affects women, who provide much of the caregiving in our society, and low-income families, who may not have secure jobs and have trouble getting affordable caregiving services or housing.

At some point in our lives, most of us will need to give or receive care, and will need our family status rights to be accommodated.

Family caregivers are also protected from discrimination and harassment related to other *Code* grounds, including disability, marital status, sex (pregnancy, breastfeeding, gender identity), sexual orientation, race, colour, ancestry, religion, age and receipt of social assistance (in housing). This protection applies even if the caregiver is only associated with a person identified by one of these grounds.

An example might be a man who lives with, and is providing care for, a relative with a mobility-related disability. He is turned away by a landlord who fears that they might request accessibility-related upgrades to the apartment. The man files a complaint of discrimination based on his association with a person with a disability.

Some other examples of people who may face human rights concerns based on family status (and other grounds) are:

- ❖ A mother who cannot find housing because landlords will not rent to single women with children
- ❖ A parent of a child with a disability who loses his job because his manager will not provide a flexible work schedule so he can take his child to medical appointments during work hours
- ❖ A woman denied a promotion because her manager believes mothers are not committed to their work
- ❖ A child whose parents share custody, who needs a flexible school bus service
- ❖ A large extended immigrant family facing barriers to housing because of the number of people in their household
- ❖ A family turned down for housing because they are young and on social assistance
- ❖ A gay or lesbian caregiver who is denied the right to visit a partner's child or parent in hospital, or who needs a leave of absence from work to care for that person.

### Employment and family status

Persons in a parent-child type relationship have a right to equal treatment in the workplace. Employers cannot discriminate in hiring,

promotion, training, benefits, workplace conditions or termination because a person is caring for a family member.

People who provide family care may wrongly be considered less competent, committed or ambitious than others – often due to gender stereotypes – and may be passed over for promotions, learning opportunities and recognition. Where workplace structures, policies, procedures or culture exclude or disadvantage persons with caregiving responsibilities, employers have a legal duty to consider changes to meet these needs. This is called the duty to accommodate.

Some examples of accommodation are:

- ❖ Providing flexible scheduling
- ❖ Allowing employees to take leaves of absence to care for family members who are aging, ill or have a disability
- ❖ Allowing alternative work arrangements.

Creating a flexible and inclusive workplace benefits all employees, and can help employers hire, retain and get the best possible performance from workers.

### Housing and family status

The *Code* prohibits housing providers from discriminating against families with children or people in other caregiver relationships. This

applies to renting, evictions, building rules and regulations, repairs, and use of services and facilities.

Landlords cannot refuse or discourage applications from families with children because they believe children are noisy or will damage the property, for example by using terms like “quiet building,” “not soundproof” or “adult lifestyle.” While parents are expected to manage their children's noise and be good neighbours, families cannot be harassed or evicted because of the normal noise that children make. Other rental policies that create barriers for families with children, and that are prohibited under the *Code*, include:

- ❖ Arbitrary occupancy standards, such as how many children can live in the unit
- ❖ Policies that do not allow families to transfer to other apartments if their needs change
- ❖ Restrictions on children's access to recreational or common areas.

Landlords and other tenants must not discriminate against any tenant (or person applying to rent) because they are giving or receiving care. A part-time parent, a lone parent, an expectant mother, families receiving social assistance and families with disabled, aging, lesbian, gay or racialized members are entitled to equal access to housing opportunities and enjoyment.