

# Discrimination Based on Disability and the Duty to Accommodate: Information for Service Providers

<http://www.ohrc.on.ca/en/discrimination-based-disability-and-duty-accommodate-information-service-providers>

## Disability

The *Code* protects people from discrimination and harassment because of past, present and perceived **disabilities**. “Disability” covers a broad range and degree of conditions, some visible and some not visible. A disability may have been present from birth, caused by an accident, or developed over time.

There are physical, mental and learning disabilities, mental disorders, hearing or vision disabilities, epilepsy, **mental health disabilities and addictions**, environmental sensitivities, and other conditions.

Relevant policies:

- Policy on drug and alcohol testing (2016)
- Policy on ableism and discrimination based on disability (2016)
- Policy on preventing discrimination based on mental health disabilities and addictions (2014)

**NOTE:** Addictions to drugs or alcohol are considered “disabilities” under the Ontario Human Rights Code (Code). The Code prohibits **discrimination** against people with disabilities and perceived disabilities in employment, services, **housing** and other social areas.

## *The Ontario Human Rights Code*

The Ontario *Human Rights Code* (the *Code*) is the law that provides for equal rights and opportunities, and freedom from discrimination. The *Code* recognizes the dignity and worth of every person in Ontario. It applies to the social areas of employment, housing, goods, facilities and services, contracts, and membership in unions, trade or professional associations.

People are protected from discrimination and harassment based on “disability.” People with disabilities have the right to be free from discrimination when they receive goods or services, or use facilities. “Services” is a broad category and can include privately or publicly owned or operated services. Some examples are:

- stores, restaurants and bars
- hospitals and health services
- schools, universities and colleges
- public places, amenities and utilities such as recreation centres, public washrooms, malls and parks
- services and programs provided by municipal and provincial governments, including social assistance and other benefits, and public transit

- services provided by insurance companies.  
People with disabilities are a diverse group, and experience disability, impairment and societal barriers in many different ways. Disabilities are often “invisible” and episodic, with people sometimes experiencing periods of wellness and periods of disability. All people with disabilities have the same rights to equal opportunities under the *Code*, whether their disabilities are visible or not.  
“Disability” is to be interpreted broadly and includes past, present and perceived conditions.

### Discrimination

Discrimination against people with disabilities is often linked to “ableism” (attitudes in society that devalue and limit the potential of people with disabilities), prejudicial attitudes, negative stereotyping, and stigma.

Discrimination in services may happen when a person experiences negative treatment or impact because of their disability. Discrimination does not have to be intentional. And, a person’s disability needs to be only one factor in the treatment they received for discrimination to have taken place.

People with disabilities who also identify with other *Code* grounds (such as sex, race or age) may be distinctly disadvantaged when they try to access a service. Stereotypes may exist that are based on combinations of these identities, placing people at unique disadvantage.

**Example:** Women with disabilities experience unique forms of discrimination. They may be singled out as targets for sexual harassment and sexual violence due to a perception that they are more vulnerable and unable to protect themselves.

**For more information:** The Ontario Human Rights Commission’s [\*Policy on ableism and discrimination based on disability\*](#).