

# Ontario Real Estate Association

## ACCESSIBILITY AND ACCOMMODATIONS POLICY

<b>Date Approved:</b> December 12-13, 2023, Board of Directors	<b>Policy ID:</b>
<b>Review Date:</b>	<b>Status:</b> new
<b>Remarks:</b>	

### Purpose: (reason for this policy)

The purpose of this Accessibility and Accommodation Policy (the “Policy”) is to:

- Ensure that all staff, Members, and other stakeholders of Ontario Real Estate Association (“OREA”) are aware of their rights and responsibilities under the Code with respect to accessibility and accommodation; and
- Set out in writing OREA’s procedures for accommodation and the responsibilities of each of the parties to the accommodation process.
- OREA has developed and will maintain a Multi-Year Accessibility Plan (the “Accessibility Plan”) that sets out its strategy for preventing and removing accessibility barriers from its organization. OREA will review and update this Accessibility Plan at least once every five years. The Accessibility Plan’s policies and procedures are adopted herein.

### Application & Scope:

This Accessibility and Accommodation Policy and procedure applies to all OREA employees, including full-time, part-time, temporary, casual and contract staff, individuals who work to gain experience or for benefits, such as volunteers, co-op students, interns and apprentices, prospective employees (including those applying for employment with the Association), and, where applicable, clients and customers.

It applies at all stages and to all aspects of the employment relationship, including recruitment and selection, promotions and transfers, and conditions

and requirements of work, such as hours of work and leaves of absence.

All new and existing employees will be provided with a copy of this Policy and procedure. All job postings will notify prospective candidates of the applicable Policy and procedure, and all job applicants who are selected for an interview will again be notified of the Policy and applicable procedure before the interview.

### Definitions:

“AODA” means the Ontario *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c. 11, as amended or any successor legislation, and its regulations, including Ontario Regulation 191/11: Integrated Accessibility Standards.

"Code" means the Ontario *Human Rights Code*, R.S.O. 1990, c. H.19, as amended or any successor legislation.

“Members” means OREA members whose membership in OREA is in good standing in accordance with OREA’s by-law in effect from time to time.

“Customers” or “Clients” means prospective individuals who are seeking membership in OREA or individuals of the public seeking to access goods or services provided by OREA.

### Statement of Organizational Commitment:

OREA is committed to ensuring equal access and participation for people with disabilities. We are committed to treating people with disabilities in a way that allows them to maintain their dignity and independence. We believe in integration and are committed to meeting the needs of people with disabilities in a timely manner. We will do so by removing and preventing barriers to accessibility and meeting our accessibility requirements under the AODA and other applicable accessibility laws.

OREA is committed to meeting its current and ongoing obligations under the Code and its Human Rights Policy respecting:

- non-discrimination, unless to do so would cause undue hardship to

OREA, as defined by the Ontario Human Rights Commission's Policy on disability, and

- the duty to accommodate and to providing an environment that is inclusive and that is free of barriers based on age, race, disability, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex (including pregnancy), sexual orientation, gender identity, gender expression, marital status, family status, and disability.

OREA understands that obligations under the AODA and its accessibility standards do not substitute or limit its obligations under the Code or obligations to people with disabilities under any other law. Accommodation and OREA's accessible Member service policies will be provided in accordance with the principles of independence, dignity, individualization, integration, equality of opportunity and inclusion. OREA will work cooperatively, and in a spirit of respect, with all partners in the accommodation process.

OREA is committed to excellence in providing services to all Members including people with disabilities. OREA will make efforts to build or adapt its services to accommodate staff, Members and other stakeholders with Code-related needs in a way that promotes their inclusion and full participation. Preventing and removing barriers means all stakeholders should be able to access their environment and face the same duties and requirements with dignity and without impediment.

### Training:

We are committed to training all OREA staff and volunteers in accessible Member service, Ontario's accessibility standards and aspects of the Code that relate to persons with disabilities.

In addition, we will train:

- (a) All persons who participate in developing the organization's policies; and
- (b) All other persons who provide services on behalf of the organization.

Training of our employees and volunteers on accessibility relates to their specific roles.

Training includes:

- understanding the purpose of the AODA and OREA's policies related to AODA;
- how to interact and communicate with people with various types of disabilities;
- how to interact with people with disabilities who use an assistive device or require the assistance of a service animal or a support person;
- how to use the equipment or devices available on-site or otherwise that may help with providing services or facilities to people with disabilities; and
- what to do if a person with a disability is having difficulty in accessing OREA's services or facilities.

Furthermore, the training program will place a significant emphasis on addressing and reducing different barriers to accessibility, including:

- attitudinal barriers, which stem from misconceptions and prejudices;
- information and communication barriers, which occur when individuals with disabilities struggle to receive or understand available information;
- technological barriers, which arise when technology fails to meet the needs of people with disabilities; and
- physical and architectural barriers that hinder access for individuals with disabilities in their environment.

We train every person as soon as practicable after being hired and provide training in respect of any changes to the policies. We maintain records of the training provided, including but not limited to the dates on which the training was provided.

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OREA is committed to meeting its current and ongoing obligations under the

Code respecting:

- non-discrimination, unless to do so would cause undue hardship to OREA, as defined by the Ontario Human Rights Commission's Policy on disability, and
- the duty to accommodate, both substantive and procedural, and to providing an environment that is inclusive and that is free of barriers based on age, race, disability, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex (including pregnancy), sexual orientation, gender identity, gender expression, marital status, family status, and disability.

OREA understands that obligations under the AODA and its accessibility standards do not substitute or limit its obligations under the Code or obligations to people with disabilities under any other law. Accommodation and OREA's accessible Member service policies will be provided in accordance with the principles of independence, dignity, individualization, integration, equality of opportunity and inclusion. OREA will work cooperatively, and in a spirit of respect, with all partners in the accommodation process.

OREA is committed to excellence in providing services to all Members and prospective Members including people with disabilities. OREA will make efforts to build or adapt its services to accommodate staff, Members and other stakeholders with Code-related needs in a way that promotes their inclusion and full participation. Preventing and removing barriers means all stakeholders should be able to access their environment and face the same duties and requirements with dignity and without impediment.

### Requests for Accommodation:

Accommodation requests should, whenever possible, be made in writing. The accommodation request should indicate:

- The Code ground upon which the accommodation is being requested;
- The reason accommodation is required, including enough information to confirm the existence of a need for accommodation; and
- The specific needs related to the Code ground.

All accommodation requests will be taken seriously. No person will be

penalized for making an accommodation request.

Accommodation requests will be dealt with promptly. Where necessary, interim accommodation will be provided while long-term solutions are developed.

A. Assistive Devices

People with disabilities may use their assistive devices when assessing our services or facilities, including both built and virtual services and facilities.

In cases where the assistive device presents a significant and unavoidable health or safety concern or may not be permitted for other reasons, other measures will be used to ensure the person with a disability can access OREA's services or facilities.

We ensure that OREA staff are trained and familiar with various assistive devices OREA has on-site or that OREA provides that may be used by persons with disabilities while accessing our services or facilities.

B. Communication

We communicate with people with disabilities in ways that take into account their disability. This may include providing individuals with appropriate accessible formats and/or communication supports upon request. We will work with the person with disabilities to determine what method of communication works with them.

C. Service Animals

We welcome people with disabilities and their service animals. Service animals are allowed on the parts of our premises that are open to the public and third parties.

When we cannot easily identify that an animal is a service animal, our staff may ask for documentation (template, letter or form) from a regulated health professional that confirms the person needs the service animal for reasons relating to their disability.

A service animal can be easily identified through visual indicators, such as when it wears a harness or a vest, or when it helps the person perform certain tasks.

A regulated health professional is defined under the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18, and includes a member of one of the following colleges:

- College of Audiologists and Speech-Language Pathologists of Ontario
- College of Chiropractors of Ontario
- College of Nurses of Ontario
- College of Occupational Therapists of Ontario
- College of Optometrists of Ontario
- College of Physicians and Surgeons of Ontario
- College of Physiotherapists of Ontario
- College of Psychologists of Ontario
- College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario

If service animals are prohibited by another law, we will do the following to ensure people with disabilities can access our services or facilities:

- explain why the animal is excluded; and
- discuss with the individual another way of providing services or facilities.

A service animal is not a pet.

#### D. Support Persons

A person with a disability who is accompanied by a support person will be allowed to have that person accompany them on our premises.

In certain cases, this organization might require a person with a disability to be accompanied by a support person for the health or safety reasons of:

- the person with a disability; and
- others on the premises.

Before making a decision, OREA will:

- consult with the person with a disability to understand their needs;
- consider health or safety reasons based on available evidence; and
- determine if there is no other reasonable way to protect the health or

safety of the person or others on the premises.

### The Accommodation Process:

At the heart of the accommodation process is the responsibility, shared by all parties, to engage in meaningful dialogue about accommodation, and to seek out expert assistance as needed. All parties will work together cooperatively, engage in the process, share information and avail themselves of potential accommodation solutions to develop an accommodation plan.

There is no set formula for accommodation. Each individual's needs are unique and will be considered when an accommodation request is made.

#### A. Providing Information

OREA may require further information related to the accommodation request, in the following circumstances:

- Where the accommodation request does not clearly indicate a need related to a Code ground;
- Where further information related to the individual's functional limitations or restrictions is required to determine an appropriate accommodation; and
- Where there is a demonstrable objective reason to question the legitimacy of the request for accommodation
- Where expert assistance is necessary to identify accommodation needs or potential solutions, the individual seeking accommodation is required to cooperate in obtaining that expert advice.

Failure to respond to requests for further information may delay the provision of accommodation.

OREA will not seek medical information about one's diagnosis. OREA will only require medical information detailing one's prognosis to allow it to meaningfully engage in the accommodation process and to best ensure that the individual's accommodation needs are fully met.

OREA Human Resources Department will maintain information related to:

- The accommodation request;



- Any documentation provided by the accommodation seeker or by experts;
- Notes from any meetings;
- Any accommodation alternatives explored; and
- Any accommodations provided.

This information will be maintained in a secure location and will be shared only with those persons who need the information.

### B. Privacy and Confidentiality

OREA will maintain the confidentiality of information related to an accommodation request and will only disclose this information with the consent of the individual seeking accommodation.

### C. Accommodation Plan

The Accommodation Plan, when agreed on, will be put in writing, and signed by the individual requesting accommodation, the Manager and the OREA Human Resource Manager. It may include:

- A statement of the accommodation seeker's relevant limitations and needs, including any needed assessments and information from experts or specialists, bearing in mind the need to maintain the confidentiality of medical reports
- Arrangements for needed assessments by experts or professionals
- Identification of the most appropriate accommodation short of undue hardship
- A statement of annual goals, and specific steps to be taken to meet them
- Clear timelines for providing the accommodation
- Criteria for determining the success of the accommodation plan, together with a process for reviewing and re-assessing the accommodation plan as needed
- An accountability mechanism.

### D. Monitoring Accommodations

The manager and the person receiving accommodation will monitor the success of the Accommodation Plan, and promptly address any deficiencies or any relevant changes in the workplace or the employee's needs.

**Employment:**

We notify employees, job applicants and the public that accommodations are available during recruitment, hiring and employment. We notify job applicants when they are individually selected to participate in an assessment or selection process that accommodations are available upon request. We consult with the applicants and provide or arrange for suitable accommodation.

We notify successful applicants of policies for accommodating employees with disabilities when making offers of employment.

We notify staff that supports are available for those with disabilities as soon as practicable after they begin their employment.

We provide updated information to employees whenever there is a change to existing policies on the provision of job accommodation that take into account an employee's accessibility needs due to a disability. We will consult with employees when arranging for the provision of suitable accommodation in a manner that takes into account the accessibility needs due to disability. We will consult with the person making the request in determining the suitability of an accessible format or communication supports specifically for information that is:

- (a) needed in order to perform the employee's job; and
- (b) generally available to employees in the workplace.

Where needed, we will also provide customized emergency information to help an employee with a disability during an emergency. With the employee's consent, we will provide workplace emergency information to a designated person who is providing assistance to that employee during an emergency.

We will provide the information as soon as practicable after we become aware of the need for accommodation due to the employee's disability.

We will review the individualized workplace emergency response information:

- (a) when the employee moves to a different location in the Association;
- (b) when the employee's overall accommodations needs or plans are reviewed; and
- (c) when the employer reviews its general emergency response policies.

We have a written process to develop individual accommodation plans for employees. We have a written process for employees who have been absent from work due to a disability and require disability-related accommodations in order to return to work.

Our performance management, career development and redeployment processes take into account the accessibility needs of all employees. OREA has and will continue to consult with any individualized accommodation plans when performing assessments of performance, managing career development or redeploying employees.

### Undue Hardship:

Accommodation will be provided to the point of undue hardship. A determination regarding undue hardship will be based on an assessment of costs, outside sources of funding, if any, and, health and safety requirements, if any. It will be based on objective evidence.

A determination that an accommodation will create undue hardship may only be made by the Chief Executive Officer.

Where a determination is made that an accommodation would create undue hardship, the individual requesting accommodation will be given written notice, including the reasons for the decision, and the objective evidence relied upon.

Where a determination has been made that an accommodation would cause undue hardship, OREA will proceed to implement the next best accommodation short of undue hardship or will consider phasing in the requested accommodation.

### Clients and Customers:

Persons with disabilities shall be permitted to obtain, use or benefit from goods or services through the use of their assistive devices, as mentioned. In the event that a person with a disability is hindered from accessing goods or services provided by OREA, after consulting with the client or customer, OREA will accommodate the client or customer by providing an alternative where possible in accordance with this Policy.

### Notice of Temporary Disruption:

In the event of a planned or unexpected disruption to services or facilities for individuals with disabilities, this organization will notify individuals promptly. This clearly posted notice will include information about the reason for the disruption, its anticipated length of time, and a description of alternative facilities or services, if available.

The notice will be made publicly available in the following ways:

- At visible place(s) on the premises (e.g. public entrances, service counters); and
- Posted on the OREA website.

### Information and Communication:

OREA has a process for receiving and responding to feedback and the process is accessible to persons with disabilities upon request.

We communicate with people with disabilities in ways that take into account their disability. When asked, we will provide information about the Association and its services, including public safety information, in accessible formats or with communication supports:

- (a) In a timely manner, taking into account the person's individualized accessibility needs due to disability; and
- (b) At a cost that is no more than the regular cost charged to other persons.

#### A. Feedback Process

OREA welcomes feedback on how we provide accessible service. Feedback will help us identify barriers and respond to concerns.

Feedback may be provided through OREA's website, by e-mail to [info@orea.com](mailto:info@orea.com), by phone to 416-442-3409, or in-person.

All feedback, including complaints, will be handled in the following manner:

- Upon receipt of the feedback, regardless of the format, Clients shall receive a response acknowledging receipt of the feedback within two (2)

business days and the actions that will be taken to address any issues.

- Feedback received by telephone, mail, email, or in-person shall be acknowledged in accordance with this Policy.
- The applicable OREA department will follow up with any required action within the time frame noted.
- All feedback responses shall be made through the selected communication channel or through the format requested by the person giving feedback. Additional time may be required for follow-up depending on the format of response required. If conversion to a certain format or communication support is not possible, OREA shall inform the requestor and provide rationale and summarize the information for the requestor.
- If the person providing feedback wishes to remain anonymous or indicates that receipt of acknowledgement or a response is not required, their anonymity will be respected.
- All accessibility feedback shall be reviewed to improve OREA's services.

### Notice of Availability of Documents:

OREA shall notify the public that documents related to accessible service are available upon request by posting a notice through its website and shall engage in an ongoing process of identifying additional accessible formats and communications supports that may be offered by OREA.

OREA shall provide these documents in an accessible format or with communication support, on request. We will consult with the person making the request to determine the suitability of the format or communication support. We will provide the accessible format in a timely manner and, at no additional cost.

Where OREA determines that information or communications cannot be converted into an accessible format, OREA shall provide the person requesting the information or communication with:

- an explanation as to why the information or communications are inconvertible; and
- a summary of the inconvertible information or communication.