**Know Your Rights Podcast Series**

**Episode 3: Employment**

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**Jacob:** Hello, and welcome back to another episode of the "Know Your Rights podcast", where our goal is to educate the public on knowing their rights regarding human rights related issues. My name is Jacob Charendoff and I'm the host of this series. And as some of you may know at this point or if it's your first time tuning in, this is a mission and passion for myself to educate and advocate for human rights. Knowing your rights so that you can be informed to take care of yourself both emotionally and physically. And that you're able to live a healthy, happy, fulfilled life. And I'm joined by Paul Ng and Jonquille today, to discuss employment human rights related issues. So, guys, welcome to the show. I'm so glad you could join us today.

**Paul:** Thank you.

**Jonquille:** Thank you.

**Jacob:** And you know, I think we'll jump right into it today, 'cause it's a really interesting topic. I think there's a lot of questions out there concerning the topic of employment or even getting employment, when it comes to human rights and visible or invisible difference that people may be experiencing. And Paul, you've got a really interesting position right now. You're working with the government; it looks like it's been a long time that you've been there and currently you're working on a project to create accessible cyberspace essentially. I'd love to know a little bit more about that and how you got into that.

**Paul:** I lost my job in 94, and I went back to school. I was a social worker in my first profession. And I lost my job in 94, so, I went back to school to do IT. And that was the ramp up before Y2K was a big issue. So, my vocational evaluator or vocational rehab counselor, advised me to get into IT because of the demand for IT professionals, come Y2K. So that's how I started in IT. Then within the government that I'm working with for the last 22 years, I get moved around quite a bit for different projects. So, in my current project, I'm doing testing for accessibility. That includes a documents like PDF, Word documents, Excel, HTML, websites. We also do accessibility testing for screen readers and any devices that needs to be accessing information. So, this is my latest project I'm on. And the government intends to be a leader in this aspect. So, by 2025, the objective is to have every information available for people with disabilities. So, this is our objective in this part of the project that I'm currently on.

**Jacob:** Paul that's an amazing initiative. And I know myself as somebody who has a visual impairment, that's something really important, as most of our information is consumed online in cyberspace. The accessible websites are kind of hit and miss, especially with content that's accessible in terms of what you can download PDFs, websites, as you've mentioned. I think it's a really amazing project that you're part of. But you know, Paul, I understand that you also have some visual limitations and have recently experienced some forms of discrimination at your job. Would you mind sharing a little bit more information about this and how this kind of all came to be? It seems like the government is doing an amazing project, but you're having some issues getting the accommodations, you need to thrive and succeed in your position.

**Paul:** Correct, I am legally blind. I have a one sight on to my own (indistinct), degree of lesion on my left eye. So, with regard to the challenges that I have at work, it was about a year ago that I get moved to this project. And in previous manage, dealing with my managers, they helped pretty good. Most of them in my 22 years history, has been very accommodating, very approachable, very understanding. But with my recent change in managers, it's a little bit of a challenge. He was not very approachable and apparently, he was not very accommodating. So having had been familiarized with the accommodation rules and regulations within the government, I know my rights. I basically knows that with the Ontario Human Rights Commission, accommodation has to be provided. And it has to be provided to the point of hardship. And in this case, it wasn't to that point. So, I have taken the initiative in the first place, when I moved to be reporting to him, I informed him about my disabilities, I informed him of my need for accommodation. There was a hesitation to meet up. I waited after I informed him. And I knew on the website for the Ontario Human Rights Laws, that my role was to inform the managers as to what my disabilities are and to update them. And their responsibility was to accommodate. But when I didn't get a response back in a couple... I think it was about six months, I had decided to initiate that process again to get the accommodation conversation going. I made sure that I did it in black and white, in other words, I had it on Emails. So, there's a record of our conversation and our initiation to get a process going, so that it wouldn't be an issue as to when did I do this or where did he do this? So, everything is on paper, with email official correspondence. Now it get to a point whereby I have to go to the next level above him, which is the director, to make that the accommodation was not being provided. And I felt like I'm not being used to the maximum utilization. I wasn't being brought up to speed for my skills required. I thought I was being demoralized because I was not given enough work. So, there were a lot of issues that were there. So, the director got the human resources involved. So, the human resources stepped in as an accommodation specialist, and as a result, that process was being enforced because human resources got involved here.

**Jacob:** Right, you know, it's so hard to conceptualize that now in 2020 that some people don't really understand the importance of individualized accommodation. And I think that's a reoccurring topic that we'll have on this series, is that just because we are kind of... I guess the best way to say it is, boxed into a certain category as being visually impaired or loss of hearing or so on and so forth, that we need a certain type of accommodation. And it's so important to realize, and this goes beyond the scope of this episode and this project, that everyone is individual and we need individual aspects to thrive and to succeed, not only in our roles at work but in life. Something as simple as going grocery shopping. I know, and Paul, you've probably had this issue as well. Reading the ingredients on anything is very hard and being able to kind of navigate through all that is challenging. And I think a lot of this comes from discomfort from a lot of people, not really knowing how to approach the situation when you do request accommodations. And I think that there's a lot of education that needs to happen in the workplace for directors, managers, HR individuals, to help support and educate them on how to accept and be open to having those types of conversations, that your manager wasn't really willing to have with you to the point where you had to escalate it further. And good for you for doing so. I know that there's a lot of people who experience very similar circumstances and people just not really understanding how to accommodate them, not wanting to learn, being uncomfortable with it and giving, as you said, menial tasks, as a way to kind of sweep the issue under the rug and that's not okay. I'm sure you're as talented, if not more talented than other people on your team, and you should be given the resources to thrive in your workplace. And I guess this is an interesting kind of segue and to... Jonquille like, what is being done in the workplace to support people who require accommodations? What's the rights on this? What are the legal kind of parameters that are set for workplaces and providing accommodations?

**Jonquille:** Excellent question. So, there are protections under the laws both in Ontario and federally and in other provinces that protect individuals in this type of situation. So, in Ontario Human Rights Codes, every person has a right to a workplace free of discrimination or harassment on the basis of their disability, including a visual impairment, which is a recognized disability within the meaning of human rights legislation. And further to that employers have a legal duty to reasonably accommodate individuals with a disability to the point of undue hardship.

**Jacob:** Sorry, Jonquille. I'm just gonna (audio blurs), 'cause that's a term that we've come across a few times today, and I just wanna clarify that for our viewers and listeners. Do you mind just explaining what undue hardship is? Because I know that's a really important point for people to understand in this episode.

**Jonquille:** Yeah, so undue hardship is a situation where it's because of either excessive cost or because of the health and safety issue or because of legal restrictions. It may not be... The employer may not be in a position to reasonably accommodate. But it's a very, very high threshold. It's very difficult for employers to actually establish a new hardship, especially for larger employers, like large financial institutions, the government that have significant resources. It's going to be very difficult for them to justify not being able to reasonably accommodate on account of cost. In your accommodation process, it's expected that there'll be some costs, some inconvenience for an employer, but they have that duty. And it's only to the point where it becomes excessive in nature that they decided they cannot accommodate any circumstances. An example could be whereby, the accommodation would be such that, two people need to be hired to do one job. I think that the duty to accommodate will stops short of that for instance. But it is a very, very high threshold and very difficult for employers to justify not accommodating someone on the basis of undue hardship.

**Jacob:** Yeah, and I mean, Paul, as we were discussing before and kind of reading some notes, it looks like you had requested a job coach or something along those lines to help you kind of adapt to the new role, is that correct?

**Paul:** Correct. It was because of the IT profession, there has to be knowledge transfer aspect of it, and because I was moving from a (indistinct) to a new project, the requirement for knowledge transfer is critical. And because of the limited access to some of those documents, I have specifically requested for a job coach. Now might be issue with my current manager is that, accommodation wasn't provided timely, because I waited up to a year before I got a job coach. So, my issue with them was the fact that, it wasn't accommodated timely, which is one of the human rights requirements.

**Jacob:** Right, and yeah, I mean, I'm glad to hear that, you finally did get the accommodation, but waiting 12 months a year to get that, that seems to me at least a little unreasonable. Is there a timeframe on a requests for accommodation to fulfilling the accommodation? Is there some sort of parameters for that?

**Jonquille:** Interesting question. So, in terms of the duty to accommodate, there's both the procedural duty and a substantive duty. So, the procedural duty to accommodate entails, what is the process by which we (indistinct) that accommodation? I mean, if the accommodation is necessary, And how does that accommodation fit that individual's needs? So, there's no hard and fast rule with respect to the timing around that, but it has to be, as you say, reasonable in nature given the circumstances. So, it strikes me on the (indistinct) that 12 months is an excessive trade of time to respond to such a simple request. So, the procedure of duty to accommodate involves, taking into consideration that individual's request, respecting the dignity and confidentiality of the person, (indistinct) responding in a timely manner, responding in respectful manner and being open to what those requests are, recognizing that every accommodation is gonna be individualized based on unique needs of the person. And shouldn't based on stereotypical notions about what that person's impairments are or what their needs are.

**Jacob:** Yeah, I am glad to hear that, 'cause as I mentioned before, that's something that really sort of say grinds my gears. And I know that that's really subjective to say coming from me, but I've experienced it firsthand. Some of you may know a little bit about my background, being legally blind and facing some human rights disputes that are ongoing. And I was put into a blanket of being visually impaired, and that based on that box, those would be reasonable accommodations where they really weren't as somebody who is a a very high functioning, owns a tech company. I require a different set of accommodations to be at an equal playing ground for doing what the role was, in this case an exam. Anyway, to get back to this, I think, something that I'd be really interested in is, what is the responsibility of the employer in terms of educating their staff? You know, especially in larger organizations, we have many multiple layers of management, I'm speaking from managers, directors to VPs, to executive so on and so forth. Are there resources available or some type of enforcement that these companies need to educate their management staff on accommodations? What is reasonable? How do you approach individuals who require accommodation so on and so forth?

**Jonquille:** Excellent question. So, you know, an employer just saying, hey we accommodate, is not enough. In order for an accommodation to actually have meaning and to be practically implemented, that's typically done through various layers of management, but it has to be done at either the lowest levels of management, they have to understand how to deal with it, they have to know what's the policy? Do I get HR involved? What's the process? So, the employer would and should, make sure that their management is sufficiently informed and trained on their accommodation policies. They having a policy in and of itself, they have to educate their supervisors, they have to educate management, who will actually be implementing the policy, be implementing the specific accommodation. So, there's should be first written policies that actually that allow individuals to know what their rights are and what their responsibilities are, as part of that accommodation process. It's a two-way street, right? The individual seeking accommodation, has to make their needs know and they have to know that they should be doing that as part of the accommodation policy. Likewise, supervisors have to know that they have to respond meaningfully to these requests for accommodation. The only way to do that, is to sufficiently educate and train our management, supervisors, employees, on what the accommodation process is and what each of their respective obligations rights are of the parties involved. Some more sophisticated organizations, (indistinct) organizations but they have HR processes, an HR department. Typically, such a policy would entail getting human resources involved because they would have knowledge on how to go about doing this of the appropriate (indistinct), expect that if, particularly for (indistinct) that they would have a specific department or set of staff that deal with those types of requests and concerns.

**Jacob:** I think that's such an excellent point that has been kind of overshadowed at this point. It is a two-way street. You know, we need to... As somebody who might require accommodation, I need to approach it, or you guys need to approach it in a way that kind of follows the policy. Obviously, there's a simulating circumstances where there might be some disconnect there but it never hurts to reach out and find out, what the accommodation policies are, before going against them. And maybe that's the part of the issue why there is a disconnect. I think it's really communication. And employers not letting individuals, whether they have required accommodations or not, know that there is a request accommodation policy and so on and so forth. So, I really think it's important for you guys listening and watching to advocate for yourselves. Find out what the policies are, how you can go about getting what you require before getting defensive. I know it's a really sensitive, personal and even emotional kind of issue not getting what you need, but sometimes it's asking and finding out the information beforehand. So just make sure that, if you are in the situation with a current employer, do a little bit of investigation as to what the accommodation process or application processes is for that organization.

**Paul:** Can I just interject a little bit here?

**Jacob:** Absolutely.

**Paul:** We have passed into law now, the AODA, Accessibility for Ontarians with Disabilities Act. So, if anybody wants know more about this act, which is now legislature, it is a need, it is legally required for accommodation. Again, it's the Accessibility for Ontarians with disability Act, AODA. And you could read up (indistinct) requirements. And a lot of companies are now required to set up policies and strategies in regard to training management and staff on accommodation, inclusion and diversity.

**Jacob:** Yeah, absolutely. Thanks for sharing that, Paul. We'll have some links in the description or somewhere around this video, where you guys can read up on that and get some more information there. And one quick thing that kind of... I see more and more of in being an entrepreneur myself, small business is kind of this strange gray area of accommodation because it is a start-up, there's a lack of resources, you kind of run into this, variable as to what is undue hardship to a company that's not generating any revenue upfront. Are there any provisions for small businesses or resources that business owners who might not have that type of experience from a larger organization, can go to learn about how to accommodate their staff?

**Jonquille:** So, in terms of small businesses finding out about what their obligations are and how do you go about informing themselves of the accommodation obligations. And certainly, there are a lot of helpful resources out there. Are there maybe government supports, government funding for specific needs? If there's equipment, or other things that need to purchased. There may be government subsidies available for smaller businesses. But in terms of finding out about their obligations to their employees, certainly there are excellent resources through the Ontario Human Rights Commission. For federally regulated employers, there's similar resources at the federal level also through the Ontario Human Rights Commission. And various other agencies that might be able to provide some general information about their obligations (indistinct) the employees.

**Jacob:** Yeah, thanks for sharing that. And I think my kind of point there was, if you guys are working for a smaller company that's a startup or a small business, you guys are protected and able to access the same resources as somebody working for a larger company. So don't (audio blurs) from that. Don't let that be an impediment on shying away from getting the accommodations you're required to thrive in your role.

**Jonquille:** And on that point. So, to the extent, are there a different set of standards for small businesses versus large businesses? The obligation is the same, regardless of the size of the employer, they have a duty to accommodate. Reasonably accommodate to the point of undue hardship. So, the size of the employer doesn't matter. There could be an argument that a smaller business may not have the same level of resources as a larger business, they may hit the undue hardship threshold much earlier. There could be an argument that we can't incur the type of cost that a larger, well-resourced organization could, but they still have a duty to investigate that, look at that objectively, look at their budget and the resources that they may have. So, they can’t just conceptually close their mind and say, we're a small employer, we can't help you out, we just can't afford it. There actually has to be objective evidence to establish, well, this is gonna be excessive and let's look at the balance sheet, let's look at the costs, let's look at other types of accommodations that may be more affordable for us but can actually work. So, there's gonna be an objective analysis there. They can't just shut it down by saying, we're small and we can't afford it. They have to go through that analysis, they have to assess the needs. And in order to avoid that obligation, or at least to say, we've done that, we've done all we can do. They will have to show they've hit undue hardship, that's is there is excessive cost and they can't come to any circumstances, it's so (indistinct).

**Jacob:** Yeah, totally. Important note for you guys. I know there are a lot more small businesses popping up and startups and things like that, especially now with kind of the digitization of a large part of the economy. So, guys, if you are experiencing that, make sure to talk with your employer, be it small business, large business, be involved in the process. If you know, your accommodations don't seem reasonable upfront, get involved. Ask, well why not? Ask those questions? Don't be afraid of it. It's really important, not only for yourselves but to prevent this happening in the future for other people. That's why this series exists. We're really trying to advocate for sustainable change in the field of knowing your rights and human rights. So, I have a couple more questions. I hope you guys don't mind sticking around. Just 'cause I think I'm really interested in this topic and I think it's gonna be a really interesting one for our viewers. I guess, number one, Paul, where are you at with the accommodation process now? Have you gotten the accommodations you need, or are you still waiting for those to roll in?

**Paul:** As a matter of fact, the good news is as soon as you know your rights and you stick to the rules and regulations as your roles and responsibilities require of you. Like in the Ontario Human Rights Commission, it does specify as to what the employee roles are and what the employer roles are. I have done my responsibility of informing them of my need for accommodation, I've provided them my medical reports, I've also clearly stated what my accommodation needs require. I have got exactly what I required. I have got a job coach now. I've been transferred to the knowledge that I needed, the training that I needed. And it sometimes needs a bit of a pushing and to know what you know is critical, because the thing is that, management will not do anything unless, they know that you know what you know.

**Jacob:** Yeah, I'm so happy to hear that, Paul. Really, you're such a great example of somebody who is pushing to really get what they require. And congratulations, I'm really excited to hear that and I'm sure our viewers will be as well. And what you're sharing now is going to make change for the future. So, others don't have to experience the ridiculous timeframes to get the accommodations that you've experienced or even the awkward back and forth between management and yourself.

**Paul:** To add one thing though, be very constructive. Don't go into a situation whereby, you're looking for conflicts. Just be flexible. I think creating trust between managers and yourself is very important. Be very credible, respectful. And I think when you do that, when you approach it in a positive manner, management are a bit more open and accommodating. But do it in a very diplomatic way. And then I find it to be one of the reason why I'm so successful in doing this is because I don't look for conflict. I kind of seek for solutions. And at the same time don't demand, make it something that is negotiable and always be building trust between you and management. This one is very important.

**Jacob:** I think that's words of wisdom really. You guys have heard Paul's story, you've seen the outcome. And I think the kindness goes a long way on all facets of life. I know that it is an emotional process, no doubt about it. And sometimes our emotions can overrun how we react to different things. And if you look at it from the way that Paul did, is you can control your reaction and your response to a situation. And if you can go about, it as mindfully as Paul was able to, you're more likely to at least be heard of what you're looking for. So, Paul, thank you for that really, really great advice. And I'm sure that it'll be definitely tangible for a lot of our viewers and listeners. Now, one thing I did wanna talk about, I think to close this episode up is, we've talked a lot about employment from the perspective of already having a job, but what if you're looking for a job and find barriers on that front? I mean, I know when I was younger, I'm looking for jobs, a lot of them required like a test or something like that, or a driver's license, which somebody with visual impairment, I'm unable legally to drive a car, so that immediately puts a barrier on entry. And it could have been the greatest position in the world. I could have been the most qualified person, but because I have a physical limitation and can't drive a car, all of a sudden, I've hit a brick wall. Where does kind of accommodation and human rights. come at that? That's a really interesting one. I don't know if you have any thoughts on that Jonquille.

**Jonquille:** Excellent question. So, the duty to accommodate exists at all stages of the employment relationship including at the recruitment stage. So just in terms of finding out about a job opportunity and (Indistinct) the job advertisement is in an accessible format, ensuring that individuals are able to meaningful participate in a job competition, that they're not precluded based on some sort of limitation that they may have. There could be jobs where there could be written examinations or other forms of examinations or assessments that are part of that job competition. And they have to ensure that is conducted in a manner that allows everybody to participate meaningfully. And they may have to adjust those standards or the format within which they're deploying as part of that recruiting process. Now, when it comes to standards that maybe referred as as part of the job, that's a very, very interesting question, because there may be certain standards where by a certain level of vision is an essential requirement of the job. And so, an employer may not be able to modify that vision requirements, let's say because it may be difficult to actually ensure that, that individual is able to safely carry out the essential requirements in the position. But in order to establish that a certain level of vision is required for the job, they have to show that that vision standard is rationally connected to the performance of the job. It has to be adopted in good faith. It must be reasonably necessary for the job itself. So, in order to show that it's reasonably necessary, the employer would have to show that it's impossible to provide an accommodation without incurring undue hardship. An example could be that, a pilot who's flying a plane is going to be held of high standard of vision (indistinct). And it would be probably undue hardship, if they have a significant vision impairment to operate a flight. That's a very extreme example. But to the point that the standard has to show that there is some essential and good state component here that they need them to have those standards in place. Now, on that point, there's also a recent decision which may be very interesting to your viewers and those listening. There's recent decision that was released by the Ontario Superior Court actually this month. So, the time is quite interesting for this podcast. Whereby a visually impaired person lost her job because she lost her sight of one eye. And she was a bus driver for for Oakdale Transit for a number of years. And she got cancer, lost her vision in one eye. And as a result, lost her license. So, she wasn't challenging the employer in this case, she was challenging the standard that was applied. That the province was applying by revoking her license. They were saying, well, it's not safe. You can't have somebody who has vision in only one eye, safely operate your a bus. It's not safe to do so, therefore, we are retracting your license. She was saying, hey, wait a minute, wait a minute give me a chance to demonstrate that I can actually drive a bus safely. And they were saying, no, we're not going to do that, the general rule is that, you need to have that level of vision in both eyes in order to operate vehicles. So, she actually challenged that regulation and was successful. The Ontario Superior Court held that, that wait a minute, that standard that you're applying is based on preconceived notions about one's ability to operate safely on the basis of vision in one eye. There was evidence to suggest that she still had her G level license and she had (indistinct) evidence in connection with being able to actually have a safe driving record. And obviously why was the opportunity to take a test. So, the Ontario Superior Court agreed that a blanket standard like that was not reasonable. And so, they rendered that provision unconstitutional and they're giving the province an opportunity to adopt the regulation, to ensure that there's some standard that gonna be assessed based on the individualized ability to safely operate a vehicle in such instances.

**Jacob:** Very timely indeed for that (indistinct). So, thank you for sharing that. I'm gonna just throw out a scenario that I think might be interesting for some viewers. And I know I've definitely seen it or had seen it online. So, let's kind of just play out a scenario here. I'd love to hear what the kind of... How one might approach this from a legal perspective. So, an employer posts a job posting for a sales job online. And a G level driver's license is required. Obviously if there's somebody who can't drive a car due to a physical limitation that would be off the table. However, is that necessary to fulfill the role? And how could somebody approach the employer to discuss this opportunity further? I think that there's a lot more at play with this type of scenario. But I think it's something that is quite relevant. I see it, I've seen it a lot. We post jobs I know that it's out there, of having a requirement that is not truly crucial to fulfilling the role of a sales agent. It's just a nice to have. How would somebody go about approaching an employer? Yes, I have my driver's license, then you're deceitful on the application but that's gonna get you in the door perhaps. Where on the other hand, you click no on one of these job sites and immediately you're disqualified from the role. And I don't think that's fair per se. That's just my opinion, but I know that there's probably people who have come across a certain similar circumstance.

**Jonquille:** Right, so I think that that is a concern that they're disqualifying candidates based on a need for driver's license. 'Cause there are actually really young individuals who aren't able to drive due to a physical disability including visual impairment. So, the generic rule or standard here, it might not be targeting certain individuals, like having disability, but it's adversely impacting them, right? Because they're not able to have an opportunity to be assessed based on their merit, they (indistinct) the job requirements. I think in this type of situation, if it's a sales job, there's a real question here is to whether, is it really an essential requirement of the position? Can they meaningful (indistinct) the essential requirements, which is sales is not to drive. If she's not driving a bus, she wouldn't be called upon to drive a bus, or operate a motor vehicle as part of the job. They're not applying to be an Uber driver; they're applying to be a salesperson. So, I can think of many different scenarios in which somebody could still sales without having to travel or drive a car. I mean, they can take alternative means of transportation, public transit. To the extent that there might be travel between cities, there could be other forms of transportation available. They may even have a support person who maybe be a part of (indistinct), that they may have a support person that may drive them from point A to point B. Or it may be the case that they can conduct the sales without actually having to physically travel, especially in this day and age, where we have lots of technology. Where by even today we have a format like Zoom, whereby we don't necessarily need to meet in person. So, I think it brings the question, we have to investigate whether that, isn't really an essential part of the job duties? I think it's questionable if it's a sales role, but I'd like to find out more about that, in assessing whether or not it's truly essential. So, I think on the face that type of qualification could be in and of itself discriminatory.

**Jacob:** Yeah, I mean, and it's such a hard thing to enforce as well. If you're looking for a job and trying to appease a potential employer, most likely the first impression you don't wanna make is saying, hey, your job posting is discriminative.

(Jonquille laughs)

**Jonquille:** Yeah, I guess the second part of your question is how do you go about approaching them? I mean, you can still apply for the job. Your not even get your foot in the door in terms of, 'cause you have to check off a box so if you don't get to stage two, how do you even communicate with them? I mean, there could be an opportunity to reach out to say, hey, you know, I saw your job advertised, I think I'm highly qualified for the job. You know, I don't have a license, but I have an ability to travel or I have other means or I'd like to discuss other formats or other ways that I can actually fulfill the essential job duties. And approach it that way on a practical level to see if you can get your foot in the door. I know that on a practical, they have a duty, they have a duty to consider that, and assess it to the extent you feel like you're being disqualified unfairly because of your visual impairment, you may have to challenge them or not. You know, that's obviously the last recourse. I mean, your ideal scenario is you get dropped off, right? Again, the duty to accommodate is a two-way street, and so that would entail requesting that type of accommodation, I'd like to get my foot in the door, I'd like to have an opportunity to have an interview, or please be considered for this role, and then take it from there. And ideally, if they're really assessing a this and giving you a fair shot, they should be complying, they should be reciprocating enough.

**Jacob:** And, I mean at this stage, I think those are really kind of tricky scenario. And thank you for on the spot responding to these kind of scenarios. But I think it's really relevant. I think there's a lot of people who have either are currently having an experience with that or have had it in the past. You know, since there is no management or HR department involved in this type of scenario, what is the step to kind of proceed?

**Jonquille:** Well, I think on a practical level, it's your job candidate, you're concerned that you might be disqualified. You'd either approach the employer or the contact, if you can find a contact person to reach out to, you'd doing that proactively either on your own or potentially through a support person. That on a practical level that strikes me as very practical way to try to resolve it, going through their HR departments if there is one. And asking if there are... What kind of accommodation policies they have? Again, employers are required to have a written accommodation policies. And to inform candidates about their accommodation policies. That's a two-way street. So certainly, to the individual who's concerned that they may not have these formalized channels, I would just recommend, trying to reach out to the people in charge of that job competition, or their human resource department. And then if they're not responding, you may have to challenge this or escalate it. Ideally that's not the scenario, but there are mechanisms by which people can get recourse for unlawful discrimination.

**Jacob:** Just out of curiosity, what would that be? You know, if it gets to that point where either you're said, no, I'm sorry., that is a required element of the job to have a driver's license in this sales job, for instance, but I'm sure there's multiple kind of relatives to that. How do you proceed? Especially, I dunno having a job is really important, especially just to survive, especially here in Toronto, it's such an expensive city. And to find a job that you're extremely qualified for is getting harder and harder to find with all of these evolving technical demands and things like that. You find your dream job and all of a sudden, you're brick walled due to some sort of silly requirement. But probably the employer doesn't even know it's on their job posting. And you get the no, we require the driver's license. We're not responding to you. Do you go to the human rights commission or is there kind of an intermediary step?

**Jonquille:** So, excellent question. So, in terms of finding out about... In terms of attaining appropriate kind recourse here if you can. You can reasonably work it out with the employer or potential employer. In this instance, there are channels by which you can get that recourse. So, for example, one could apply for a (indistinct) under the human rights codes. They can make an application before the Ontario Human Rights Tribuinal. If it's federally regulated entity, they can make a complaint to the Canadian Human Rights Commission. For those who may be listening from other provinces, they have similar channels through respective human rights tribunals or commissions. In the courts also potentially maybe a channel of recourse. There are in limited circumstances, an ability to make a claim before the courts to seek relief. If it's tied to another cause of action typically, not at the recruitment stage, but normally for employees who may be suffering discrimination or were unlawfully terminated and breach of their rights, under the human right codes, they may be seeking wrongful dismissal damages but also compensation for a breach of their rights, under the human rights code. So, there are various tribunals or forms of various mechanisms, by which one can achieve some type of recourse. If you are currently an employee of your organization and you're unionized, then you can file a grievance through your union, under the collective agreement, and seek recourse through the grievance arbitration process. There are a variety of different recourses available to individuals in that context.

**Jacob:** Yeah, that's really, really good information. I certainly kind of was opened up to a few interesting options there. So, I hope that has helped you guys learn a little bit more about some different scenarios that you may or may run into down the road. Hopefully not as we're really trying to pave the way for change with Know "Your Rights", so that you can thrive and succeed as an individual. Not only in your employment situations, but in your entire life. So, Paul, I really wanna thank you for sharing your story. You really are exactly what we're... You embody what we're trying to achieve with this. Of advocating for yourself for change and paving the way to make accessibility and accommodations, just the new status quo in the workplace. So, thank you so much Paul. And Jonquille your responses have been unbelievably informative. And actually, if there's people who wanna reach out to you directly, is there a way that people can connect with you if they have more specific questions?

**Jonquille:** Absolutely. My contact information is on our website. So, my law firm is Pak Smith Employment Lawyers. So, you can find us on the web. And you can find my contact information there. So, feel free to reach out if you do have questions that pertain to discrimination or accommodations at the workplace, accommodations in connection with the recruitment process. Feel free to reach out if you have any internal questions. When there are, this is the are that we specialize in. (indistinct) all the time, in the context of employment or (indistinct) part of it unfortunately.

**Jacob:** Wonderful. Yeah, we'll include the link to the website in the description or somewhere, depending on where this is. But you'll be able to find that, if you guys wanna reach out to Jonquille directly. Thank you so much for listening, watching this episode. I hope that you've learned something. I know it was a little bit longer, but I really think that we got a lot of value out of it. I know I certainly did and have learned a thing or two. So, guys remember, don't be afraid to be a change maker. Your change impacts the future. And "Know Your Rights" is all about advocating for sustainable change so that you can become the best version of yourself. Until next time, we'll see you then

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