



## Accommodation Policy

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### Contents

A. Purpose of Policy.....	1
B. When to request accommodation.....	1
C. How to request accommodation .....	1
1. General .....	1
2. Accommodation of needs for additional time .....	2
3. Accommodation of personal support services.....	3
4. Accommodation of communication needs .....	3
5. Requests for a representative, legal advice or representation .....	4
6. Accommodation of other needs.....	4
D. What happens after you request accommodation .....	4
E. What happens when the Tribunal requires more information .....	4
F. What happens when the Tribunal decides another party has a right to respond .....	5
G. How the Tribunal decides whether accommodation is reasonable.....	5
H. Privacy and the impact of an accommodation .....	5
I. Questions, feedback and complaints.....	6
Appendix A – Guide on How to Request Accommodation.....	7

## **A. Purpose of Policy**

1. The purpose of this policy is to ensure that every person can participate fully and equally in the Tribunal's complaint process under the *Human Rights Code* [Code].
2. This policy sets out:
  - a. when and how to request accommodation from the Tribunal, and
  - b. how the Tribunal will handle a request for accommodation.

## **B. When to request accommodation**

3. Request accommodation as soon as possible. You can request accommodation at any time in the process. However,
  - a. the earlier that you request accommodation, the sooner the Tribunal can respond to meet that need;
  - b. for a meeting accommodation – including a mediation, conference, or hearing – if possible, you must request accommodation **at least 21 days before the date set for the meeting.**

## **C. How to request accommodation**

### **1. General**

4. You can ask for accommodation from the Tribunal in three ways. The way you ask for accommodation will depend on your request. The three ways to ask are:
  - a. complete and file a Form 10 – Request for Accommodation;
  - b. ask a Tribunal staff person, Mediator or Tribunal Member;
  - c. complete and file a [Form 7.1 – General Application](#).
5. Appendix A to this policy has a reference guide to help you select the right way to ask for an accommodation.
6. Only complete and file a Form 10 – Request for Accommodation if:
  - a. the request does not require a Form 7.1 – General Application on notice to other parties; and
  - b. the Case Manager cannot deal with the request.
7. You do not need to send a Form 10 – Request for Accommodation to the other parties, unless the Tribunal decides that the request may affect another party. See paragraph 26.

8. In some cases, the Tribunal may ask a participant if they need accommodation.

**2. Accommodation of needs for additional time**

9. For most requests for additional time, you do not need to complete a Form 10.

***Short extensions – two months or less***

a. If you need a one-time short extension of time, no more than two months, ask your Case Manager.

***Extensions longer than two months***

b. If you need an extension longer than two months and the other party consents, tell your Case Manager.

c. In any other case, if you need an extension longer than two months or to defer (pause) the complaint process, complete and file a [Form 7.1 – General Application](#).

***Changing a hearing date***

d. If you need to defer (adjourn) a hearing, complete and file a [Form 7.1 – General Application](#).

***Extra time in a mediation***

e. If you need extra time in a mediation, tell

- i. the Case Manager, or
- ii. the Mediator when you first speak to them.

***Extra time in a hearing***

f. If you need extra time in a hearing, tell:

- i. the Case Manager at the case conference scheduling the hearing; or
- ii. the Tribunal Member at the pre-hearing case conference.

***When to file an accommodation request***

10. If none of the above situations applies to your need for more time, file a Form 10 – Request for Accommodation. For example, a person might need an extra week to respond to communications. They would file a Form 10 to make the request.

### **3. Accommodation of personal support services**

11. You may want a person to support you in the Tribunal's process, including to sit with you, take notes, or provide emotional support. The Tribunal cannot provide you with a support person but can allow you to bring somebody with you, as set out below.

#### ***Support person at a mediation***

12. If you want to bring a support person with you to a mediation, tell your Case Manager or the Mediator. The Mediator will permit a support person to attend so long as:
  - a. the support person complies with the [Mediation Policy](#) and the Mediator's reasonable directions, and
  - b. the support person's attendance does not prevent the effective and efficient conduct of the proceeding.

#### ***Support person at a hearing or case conference***

13. If you want to bring a support person with you to a hearing or case conference, tell your Case Manager or the Tribunal Member at the hearing or case conference. If the support person is a witness, the Tribunal may not permit them in the hearing until after they have testified.

#### ***Accommodation for personal support services***

14. If you need accommodation for your personal support services, complete and file a Form 10 – Request for Accommodation. For example, a person might ask to book a private room to use during a hearing or mediation if they use personal support services to help them communicate, or to help with mobility, personal care, medical or other needs.

### **4. Accommodation of communication needs**

15. If you need forms and other documents in accessible formats such as Word or large print, ask the Case Manager if you are a participant in a complaint, or a Registry Officer if you are a member of the public.
16. If you need an interpreter for a mediation, hearing, or a call with the Tribunal, ask the Case Manager.
17. If you need an interpreter for other parts of the Tribunal's process, complete and file a Form 10 – Request for Accommodation.
18. If you cannot read or write in English and cannot get help from anyone else, including the advocacy organizations listed on the Tribunal's website under [Who Can](#)

[Help](#), ask the Case Manager or a Registry Officer for an interpreter to make your request for accommodation.

#### **5. Requests for a representative, legal advice or representation**

19. The Tribunal cannot provide you with a representative or give you legal advice or representation. For this kind of support, visit our "[Who Can Help](#)" page on our website.

#### **6. Accommodation of other needs**

20. Complete and file a Form 10 – Request for Accommodation to ask for accommodation from the Tribunal for any other need.

#### **D. What happens after you request accommodation**

21. If you file a Form 10 – Request for Accommodation, the Tribunal will refer your request to its Accommodation Manager. The Accommodation Manager may:

- a. tell you that it will provide the accommodation;
- b. ask for more information before it makes a decision (see paragraphs 24-25);
- c. ask a third party with expertise in accommodation to identify necessary and reasonable accommodation;
- d. tell you that another party has a right to respond and that you must share the information you gave to the Tribunal with the other party, if you want to proceed with your request (see paragraph 26);
- e. determine that the accommodation is not necessary or reasonable.

22. If you file a Form 7.1 - General Application, the Tribunal may give the other party a chance to respond, and a Tribunal Member will decide whether to grant your request.

23. If the Tribunal tells you that it will provide the accommodation, it will work with you to put the appropriate accommodation in place.

#### **E. What happens when the Tribunal requires more information**

24. The Accommodation Manager may ask for more information, such as medical documents, to:

- a. clarify your request;
- b. determine if the requested accommodation is linked to personal characteristics protected in the *Code*;

- c. better understand your needs so it can determine how to make the Tribunal process accessible; or
  - d. consider the impact of the requested accommodation on the other parties and the Tribunal.
25. You must give the Tribunal the information it reasonably needs to decide what accommodation is necessary and reasonable.

**F. What happens when the Tribunal decides another party has a right to respond**

26. If the Accommodation Manager decides that an accommodation could impact the rights of another party, it:
- a. will tell you that you must share the information that you gave to the Tribunal with the other party, if you want to proceed with your request;
  - b. will give the other party a chance to respond before deciding your accommodation request; and
  - c. may refer the request to the Chair of the Tribunal to assign to a Tribunal Member for decision.

**G. How the Tribunal decides whether accommodation is reasonable**

27. The Tribunal will consider the information you provide and, if applicable, the other party's response.
28. The Tribunal will consider whether the requested accommodation is necessary and reasonable, including how it affects:
- a. the parties' participation in the process;
  - b. the timeliness of the complaint process;
  - c. the fairness of the complaint process; and
  - d. the Tribunal's resources.

**H. Privacy and the impact of an accommodation**

29. Unless you consent to sharing the information with the other parties:
- a. the Accommodation Manager will not give the information you provide to support your request for accommodation to the other parties;
  - b. the Tribunal will store the information you provide to support a request for accommodation separately from a complaint file, if applicable.

30. If the Tribunal grants an accommodation, it will record the approved accommodation on a complaint file, if applicable, and may tell the other parties that it granted the accommodation.
31. The Accommodation Manager's decision whether to grant an accommodation under this policy has no bearing on the merits of a complaint.

**I. Questions, feedback and complaints**

32. You may send questions, feedback, or complaints about this policy by [contacting us](#). Put "Accommodation Policy" in the subject line. If you phone, ask the Registry Officer to refer your question, feedback, or complaint to the Accommodation Manager.

## Appendix A – Guide on How to Request Accommodation

<b>Accommodation request</b>	<b>What to do</b>
<b>Extra time throughout process</b>	
Throughout the process, extra time to respond (longer deadlines)	Use Form 10
<b>Extra time after deadline set</b>	
Extend deadline up to two months	Contact case manager
Extend deadline longer than two months, if other party agrees	Contact case manager
Extend deadline longer than two months, if other party does not agree	Use Form 7.1
Put the complaint process on hold (called a deferral)	Use Form 7.1
<b>Mediation, conference calls, hearings</b>	
Extra time in a mediation, call, or hearing	Contact case manager
Interpreter for mediation, hearing, or call with the Tribunal	Contact case manager
Change a mediation date	Contact case manager
Change a hearing date (called an adjournment)	Use Form 7.1
Bring a support person	Contact case manager
Private room during mediation or hearing	Use Form 10
<b>Other requests</b>	
Accessible format for forms or other documents	Contact case manager or use Form 10
Interpreter or translation for other parts of process	Use Form 10
Requests not listed above	Use Form 10
Representation or legal help	For support of these kinds, visit our <a href="#">Who Can Help</a> page on our website.