

SCHEDULE "A"

IN THE MATTER OF GREGORY ALLEN v HER MAJESTY THE QUEEN IN RIGHT OF
ONTARIO, AS REPRESENTED BY THE MINISTER OF COMMUNITY SAFETY AND
CORRECTIONAL SERVICES

BEFORE THE HUMAN RIGHTS TRIBUNAL OF ONTARIO

January 14, 2019

PUBLIC INTEREST REMEDIES

- 1.) Within 6 months of the signing of these Minutes of Settlement, the Respondent will issue a Directive from the Assistant Deputy Minister, Institutional Services to all correctional staff reiterating Correctional Services duty to accommodate every individual who requires the use of an assistive device and setting out the process to be followed when such an individual is admitted to an Ontario correctional institution.
- 2.) The Directive will state that inmates who require the use of an assistive device shall not be placed in conditions of confinement that constitute segregation, solely because of their need for that device.
- 3.) The Directive will require that every individual who requires the use of an assistive device is interviewed by an Operational Manager or other manager in charge of security issues at the institution as soon as possible after admission to a correctional institution.
- 4.) The focus of the interview will be on ensuring the individual can participate in the activities of daily living independently. During the interview, the manager must discuss and consider the following:
 - a. Section 6.1.2 of the Inmates with Disabilities policy, which states that inmates needing an assistive device will be housed with other inmates in a group setting.
 - b. How to ensure the client can access toilet, shower, visiting and programming spaces and yard/fresh air facilities as independently as possible;
 - c. Whether it is necessary to rent, purchase or make available medical equipment or accessibility supports that are not currently available at the institution such as, but not limited to: raised toilet seats with handles, ramps, shower benches, support bars and/or a specialty mattress;

- d. What steps must be taken to inspect the inmate's assistive device and address any security concerns so that the inmate will be permitted to retain their own device while in, the institution, in accordance with s. 6.1.1 of the Inmates with Disabilities policy which requires that inmates who use an assistive device that has been reviewed and approved by the institution be permitted to retain their own device while in the institution;

5.) If after the conclusion of the initial interview, the Manager determines that the inmate cannot be accommodated because of security risks or accommodated in a way that allows them to participate in the activities of daily living independently, the manager must escalate the issue to a Deputy Superintendent, and then, if necessary, to the Superintendent for review and action.

6.) The Directive will require that a Superintendent who is unable to implement accommodations that permit the inmate to participate in the activities of daily living independently must consult with a Regional Human Rights Advisor regarding how best to accommodate the inmate. The Superintendent may also consult with a Regional Human Rights Advisor at any other time if the Superintendent determines it would assist the institution in the accommodation process.

7.) The consultation with a Regional Human Rights Advisor referred to in paragraph 6 (the accessibility consultation) will focus on eliminating barriers and ensuring that the individual can participate in the activities of daily living independently. The accessibility consultation process and any accommodation adopted as a result of that process shall be based on clients' individualized, disability-related needs. At a minimum, the accessibility consultation will review and consider the factors described in paragraph 4, above.

8.) The Respondent agrees that on admission all inmates will be notified of the availability of the Inmate Information Guide and will be notified that a copy of the Inmate Information Guide will be provided upon request.

