



February 2, 2023
For immediate release

Human Rights Tribunal Finds Granite Club Discriminated Against Member on Basis of Disability

[Toronto, Ontario] – Autism Ontario, Autism Speaks Canada, and PooranLaw are pleased to share a recent win before the Human Rights Tribunal of Ontario (HRTO), upholding the rights of people with disabilities.

In *NJ v. Granite Club*, the respondent, a private family, athletic, and social club in Toronto, was found to have violated the Ontario *Human Rights Code* by discriminating against Niam Jain – an autistic teenage boy – and failing to provide him with appropriate accommodations. PooranLaw lawyers Faisal Bhabha and Jenna Bontorin represented Niam, along with co-counsel, before the HRTO.

Niam, limited in verbal speech, had access to the Club’s facilities without direct supervision for several years. On February 10, 2020, however, an incident occurred in the locker room which resulted in an adult member of the club reporting the incident and threatening to call the police.

Influenced by this member’s threats of police involvement and the member’s insistence that he did not want to be alone in a locker room with Niam, the club banned Niam from using the locker room independently, imposing a “Caregiver Requirement” — that is, a requirement for Niam to be accompanied by a caregiver provided by his family.

“Laws regarding required accommodations in Canada would be unnecessary if we all stopped fearing differences and made it our business to recognize and embrace the gift of human diversity, to widen our circles of acceptance, and to be intentional about creating accessible spaces for everyone,” says Marg Spoelstra, Chief Executive Officer at Autism Ontario. “Until that happens, it will take the courage of families like the Jains — and many others — to take a stand for both what is right and the law in Ontario. Autism Ontario is grateful for the Jain family’s advocacy, and we stand with them in making autism matter in Ontario,” she continues.

After a ten-day hearing involving over a dozen witnesses and expert testimony, the HRTO held that the Granite Club failed in both its procedural and substantive duties to accommodate Niam to the point of undue hardship and awarded remedies in full scope, including:

- immediately removing the Caregiver Requirement;
- general damages in the amount of \$35,000 for NJ for injury to his dignity and self-respect;
- all restrictions on NJ’s use of the Club facilities to be revoked;
- an order that the Club develop and implement a human rights complaint, investigation, and dispute resolution policy for members and staff that is in accordance with the Ontario *Human Rights Code*; and
- training to all Club staff and board of directors on the duty to accommodate people with disabilities.



This HRTO decision includes key findings on the importance of independence for persons with disabilities. It affirms the serious consequences for service providers that rely on false or stereotypical conclusions about people with autism as a basis for limiting independence. The Tribunal held that the Caregiver Requirement was not a reasonable action, but rather a dignity-impairing restriction that punished the applicant and served no valid purpose.

“PooranLaw is pleased with the HRTO findings and remedies of this decision. It is a strong reminder to organizations, including private clubs, about what their obligations are when accommodating individuals with disabilities. It solidifies real consequences for discrimination on the basis of disability in the service context,” stated Jenna Bontorin, a lawyer at PooranLaw.

The Tribunal further affirmed the need for organizations that serve members with autism to be educated about disability-related needs to remove barriers and mitigate biases that prevent individuals from realizing their full potential and achieving meaningful inclusion.

This decision is a significant win for the autism community and disability community at large. Not only does it reaffirm first principles in disability rights law, but more importantly, the decision sets a strong precedent for serious consequences for discrimination on the basis of disability in the service context.

“Autism Speaks Canada is pleased with the decision of the tribunal. With better understanding and acceptance of people with autism, we can foster inclusive communities where autistic people and their families can reach their full potential,” says Jill Farber, Executive Director at Autism Speaks Canada. “We welcome the opportunity to work with community centers across Canada in building safe and inclusive environments for their autistic members,” she continues.

Autism Ontario, Autism Speaks Canada, and PooranLaw are committed to standing in solidarity with individuals with autism and their families and are working with the Jain family to provide them with the support they need as they, too, strive towards autism acceptance.

ASSOCIATED LINK

Read the full Human Rights Tribunal of Ontario [decision](#).

FOR MORE INFORMATION

[Marcy Galipeau](#)

Director of Communications and Operations | PooranLaw

416.860.7572 ext. 239 | mgalipeau@pooranlaw.com



ABOUT AUTISM ONTARIO

[Autism Ontario](#) is dedicated to autism awareness and advocacy, and is Ontario's leading source of information and referral on autism. It provides autistic individuals and families across their life course with community-based access to meaningful supports, social learning opportunities, information, and connections.

ABOUT AUTISM SPEAKS CANADA

[Autism Speaks Canada](#) dedicated to enhancing lives today and accelerating a spectrum of solutions for tomorrow by supporting and working with community partners; enhancing resources and services; increasing understanding, acceptance and inclusion of people with autism spectrum disorder; and advancing research into causes and better interventions for autism spectrum disorder and related conditions.

ABOUT POORANLAW

[PooranLaw](#) is a social An Ontario-based, social justice law firm that provides essential legal services and resources to individuals, families and not-for-profit organizations. They advocate for more equitable and inclusive workplaces, communities and laws for people who have a disability and other marginalized groups.