



# HUMAN RIGHTS IN ONTARIO

## Miingowewziwin maanpii Ontario

Everyone has the right to equal treatment under the Ontario Human Rights Code. Under this code everyone has the right to equal opportunity when applying for a job, getting services or renting a home. While this is the law, the reality can be quite different. You may be denied a job or an apartment because of the colour of your skin, your religion, age, or sexual orientation. This unfair treatment can cause pain, humiliation and loss of dignity. Unequal or different treatment that causes harm is called discrimination. Make sure you know how to protect yourself and where to get support when confronting discrimination.

### Ontario's Human Rights Code

Ontario's Human Rights Code ("the Code") is a provincial law that protects you from discrimination, but not in every situation. There are 5 areas where the Code protects your human rights.

They are:

1. Employment (applying for a job or while you are in your workplace).
2. Housing (applying for housing or while you are living in your home).
3. Services, goods and facilities ( in a store or restaurant, when buying a product, in a school or hospital, etc.).
4. Contracts (in all oral or written contracts )
5. Membership in unions or other associations (equal treatment and opportunity to join).

The Code is limited to these 5 areas only. For example, if a stranger on the street harassed you because of your race or gender, this may not be a human rights violation under the Code. You would have to call the police to address an incident like this as it does not fall into one of these 5 protected areas.

### Grounds under the Human Rights Code

Discrimination under the Code is only related to specific characteristics, called "grounds".

You must prove that you were treated badly and differently from others based on one or more of the following:

**The 17 grounds are:**

- Race
- Colour
- Ancestry
- Place of origin
- Citizenship
- Ethnic origin
- Creed (religion)
- Receipt of Social Assistance (housing situations only)
- Sexual orientation
- Marital status
- Family status
- Record of criminal offences (related to employment and you must have been pardoned)
- Age
- Disability
- Sex (including pregnancy and sexual harassment)
- Gender identity
- Gender expression



**"Sorry, we don't rent to people on social assistance."**

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## How can I file a human rights claim?

Not all bad or unfair treatment is discrimination. If you feel you are being discriminated against and want to file a human rights claim, **the following 3 elements must exist:**

1. It must fall within one of the 5 protected areas.
2. It must be linked to one of the grounds.
3. There must be a link between the ground and the discrimination. For example, you are a woman and the only person not given a raise at work. This could be discrimination based on the grounds of sex.

### **Unfair treatment that does not fall within the Code may be covered by other laws.**

For example, your employer cuts your hours at work because you complained about not being paid your public holiday pay. Even though the boss' behaviour is inappropriate and unfair, this may not be a human rights violation, but it could fall under the Employment Standards Act, another Ontario law that protects your rights while at work.  
Call S.W.E.A.C to find out more about your rights at work!

## Does the Code cover harassment or bullying?

In order to be covered by the Human Rights Code, harassment or bullying must be related to one of the grounds of discrimination. For example, sexual harassment is a form of sex discrimination, and harassment of newcomers could be discrimination based on race, colour, ancestry, ethnic origin or place of origin. You have to make the link between the harassment and bullying and the ground(s).

Workplace harassment and bullying is also addressed in the Occupational Health and Safety Act. Under this law, your employer is required to develop workplace harassment policies and procedures to deal with complaints of harassment or violence at work. For more information about workplace violence and harassment laws, call S.W.E.A.C or the Ministry of Labour's Occupational Health and Safety Branch at 1-877-202-0008.

## Are all workers covered by the Code?

The code covers ALL WORKERS: part-time, casual, a temporary agency worker, contract worker, independent contractor, or even a volunteer. The Code also applies to hiring decisions and workers on probation. Employers cannot avoid their human rights responsibilities by simply calling you self-employed. The Code covers most people even if they may not be considered "employees" under other laws, such as the Employment Standards Act.

**"Your pregnancy is getting in the way of your workload; consider this your termination notice."**



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## Protect Yourself

If you are dealing with a landlord, boss or service provider who is discriminating against you, know what steps to take to protect yourself:

- Take notes - details are important. Write down dates, names, and specific comments or actions that you found discriminatory.
- Focus on the important issues and don't get distracted by details that are not relevant to the discrimination.
- Keep copies of anything that would support the claim, like a contract or emails.
- Are there any other people who have witnessed the discrimination? Are others being discriminated against or harassed? Talk to people you trust.
- If you have talked to a supervisor or boss, write down what was said or done - it could be important to your claim.

### What happens if I win my case at the Tribunal?

There is no guarantee that you will get any personal compensation if you win a human rights case. Each case will be decided on differently and the compensation ("remedy" or "damages" in legal terms) you are awarded will be specific to your situation.

### There are two ways you could be compensated:

1. Financial compensation (often called "damages")
2. Non-financial compensation (your job may be re-instated, the harasser is removed from your work environment, or a reference letter is given)

The Tribunal also has the power to make orders to prevent discrimination from happening in the future. For example, an employer, landlord, service provider, professional association or union could be ordered by the Tribunal to:

- Develop or improve human rights policies and procedures.
- Display a public sign stating that they are following the Human Rights Code. For example: We welcome breastfeeding!
- Order human rights training for all the staff and senior management.
- Distribute a copy of the harassment policies to all current and future employees.
- Change hiring procedures.
- Display information about the Ontario's Human Rights Code in a condominium or apartment lobby.

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## Duty to Accommodate

Employers must take the necessary steps in order for you to be able to do your job, this is called "**duty to accommodate**". Your request for accommodation must be legitimate, and be tied to one or more of the grounds. The employer can deny your request only if it causes them "**undue hardship**", meaning it will interrupt other workers' work or it will bankrupt or place extreme burden on the company.

## Are you federally employed?

Canada's Constitution splits legal responsibility or jurisdiction between federal and provincial/territorial governments. The federal government regulates some employers and service providers such as banks and airlines. If you are a federal employee you are protected by the Canadian Human Rights Act.

### If you identify as aboriginal...

Aboriginal peoples and lands on reserves are mainly protected federally, but not all businesses apply, for example gas station and corner store employees would be protected under provincial/territorial human rights laws.

### Grounds of discrimination under the Canadian Human Rights Act are:

Race, nationality or ethnic origin, colour, religion, age, sex, sexual orientation, marital and family status, disability, and a conviction for which a pardon has been granted.

**For more information about your rights as a federal employee contact S.W.E.A.C or check out our factsheet on Federal Labour Standards.**

# Get Support

## Human Rights Legal Support Centre

Free legal support for people who have experienced discrimination.

(416) 597-4900

Toll free: 1-866-625-5179

TTY: 416-597-4903

TTY Toll Free: 1-866-612-8627

[www.hrlsc.on.ca](http://www.hrlsc.on.ca)

## Human Rights Tribunal of Ontario

This is where human rights claims are filed and decided. The deadline to file is usually one year from the last incident of discrimination.

416-326-1519

Toll Free: 1-866-598-0322

TTY: 416-326-2027

TTY Toll Free: 1-866-607-1240

[www.hrto.ca](http://www.hrto.ca)

## Canadian Human Rights Commission

The Commission works to promote, protect and advance human rights through research, education, targeted legal action and policy development.

Toll Free: 1-888-214-1090

[www.ohrc.on.ca](http://www.ohrc.on.ca)

## Ministry of Labour Occupational Health and Safety Branch

For information on workplace violence and harassment.

Toll Free: 1-877-202-0008

[www.labour.gov.on.ca](http://www.labour.gov.on.ca)

## Contact S.W.E.A.C

For more information about your rights at work.

The Sudbury Workers Education and Advocacy Centre

109 Elm Street, Suite 209

Sudbury, Ontario

P3C 1T4

705-470-3323

[sudburyworkerscentre@gmail.com](mailto:sudburyworkerscentre@gmail.com)

[www.sudburyworkerscentre.ca](http://www.sudburyworkerscentre.ca)



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