

# Guide to Employment Discrimination Laws

in Canada

**E**mployers must respect the dignity of their employees and must make sure that their actions and workplaces are free of harmful discrimination.

Human rights laws across Canada prohibit employers from discriminating against individuals in hiring, firing, or the terms and conditions of employment because of certain personal characteristics (unless it is for a valid job requirement).

With some exceptions, workers in Canada are protected from discrimination based on:

- national or ethnic origin, race, ancestry, place of origin, colour;
- disability (physical and/or mental);
- religion, creed, political belief, association;
- sex, sexual orientation, pregnancy;
- age (with exceptions for minors and seniors in some cases);
- marital or family status.

The provinces, the territories, and the federal government all have slightly different laws. Some jurisdictions protect workers from discrimination on additional grounds, such as language, social status, or previous convictions for which a pardon has been granted. For more information, contact the human rights commission that covers you.

## **Provincial or federal: which law applies?**

Unless you work in a federally regulated industry, the human rights laws that apply are those of the province or territory in which you work. Federally regulated industries are governed by federal human rights laws.



## **Am I protected from discrimination based on union activity?**

Canadian labour laws prohibit discrimination against any person for union activity or because of union membership. You cannot be treated unfairly or differently because of your association with a union.

If you are represented by a union (whether or not you are a member), you have a right to expect that the union will act in good faith and provide you with fair representation free from discrimination.

### **Foreign workers are protected.**

Almost all employees in Canada are protected by human rights laws, even if they do not have a permit to work in Canada.

### **Human rights law at a glance**

- Canadian human rights laws protect people and groups from discrimination based on factors that do not relate to personal merit or valid requirements of the job.
- Canadian human rights laws share many similarities and are based on the same core principles.
- These laws are usually referred to as human rights codes.
- Human rights commissions help to promote and protect equality between Canada's workers.

### **You are protected from discrimination at every stage of your relationship with an employer.**

- **Before you are hired:** hiring practices are covered, including advertising, application forms, interviews, and employment agency referrals.
- **While you are working:** many working conditions are covered, including training, wages, benefits and benefit plans, discipline and suspension, dress codes, promotions, and seniority.
- **When your work ends:** dismissals and layoffs are also covered by human rights laws.

### **What if a supervisor or a co-worker insults me or makes me uncomfortable because of my race or sex?**

Comments or actions that are abusive and unwelcome make a workplace unhealthy and may constitute workplace harassment.

You have the right to a work environment free of sexual and racial harassment. Your employer and your employer's managers must ensure that demeaning, offensive, or intimidating language or actions do not take place in the workplace.



### **What if I have a disability or a special need? Am I protected by human rights laws?**

Your employer must try to accommodate your disability or special need, and cannot discriminate against you.

Employers cannot exclude workers from normal participation in the workplace when it is possible to make arrangements, such as changes to the workplace or working conditions, to include them.

When a worker's special needs are covered by human rights laws, an employer must modify working conditions to meet those special needs where it is possible to do so without serious hardship to the operation of the business.

This duty is called the duty of reasonable accommodation.

Here are some examples of reasonable accommodation:

- adding wheelchair access to an office;
- providing visual and hearing aids;
- modifying work activities during pregnancy or an illness;
- providing flexible work hours to allow for religious observance.

### **Employer liability**

Employers must provide a healthy work environment and must take steps to prevent discrimination and harassment in the workplace. Otherwise, they may be held responsible for the damage caused to employees when they allow discrimination to happen in the workplace.

Because employers have control over the work environment, they may also be held responsible for the conduct of a supervisor, an employee or, in some cases, a customer, when such conduct occurs at work or during work-related activities.

### **Pregnancy discrimination**

Women cannot be discriminated against in any aspect of employment because of pregnancy. To ensure the health and safety of mother and child, an employer must modify the working conditions of a pregnant worker when necessary, unless doing so would cause the employer undue hardship.

### **Retaliation prohibited**

If you make a complaint or act as a witness in a human rights case, your job is protected.

Canadian human rights laws prohibit employers from threatening, intimidating, or discriminating against employees because they have co-operated with a human rights commission or tribunal.

### **What do I do if discrimination is a problem in my workplace?**

The first step is to see whether you can resolve the problem informally with your employer or co-workers. If you cannot resolve the issue with your employer or co-workers, you can ask the relevant human rights commission for help. In British Columbia you must go to the Human Rights Tribunal instead.

Human rights commissions investigate complaints of discrimination. When the commission finds that discrimination is a problem in a workplace, it will help workers and employers find solutions to end the discrimination.

If a solution cannot be found through negotiation, the commission may take the issue to a human rights board or tribunal, where a formal hearing of the complaint will decide the issue.

The steps involved as a complaint proceeds from the commission stage to an independent tribunal vary. Usually, the commission remains involved and acts on the complainant's behalf.

A tribunal decision may be appealed in most provinces and territories, but appeals are usually limited to certain aspects of the tribunal's decision.

### **Do human rights commissions do more than investigate discrimination complaints?**

Human rights commissions in Canada do much more than just investigate complaints of discrimination. The commissions are involved in awareness and training activities. They provide information and advice to the public, and help employers and organizations create their own human rights policies.

**For information or to make a complaint, contact your local human rights commission**

**Alberta:** Alberta Human Rights and Citizenship Commission

Edmonton phone: (780) 427-7661

Calgary phone: (403) 297-6571

Toll free: 310-0000 (in Alberta)

Internet: <http://www.albertahumanrights.ab.ca>

**British Columbia:** British Columbia Human Rights Tribunal

Vancouver: (604) 775-2000

Toll free: 1-888-440-8844

Internet: <http://www.bchrt.bc.ca>

**Manitoba:** Manitoba Human Rights Commission

Winnipeg phone: (204) 945-3007

Toll free: 1-888-884-8681

Brandon phone: (204) 726-6261

Toll free: 1-800-201-2551

The Pas phone: (204) 627-8270

Toll free: 1-800-676-7084

Internet: <http://www.gov.mb.ca/hrc/>

**New Brunswick:** New Brunswick Human Rights Commission

Phone: (506) 453-2301

Internet: <http://www.gov.nb.ca/hrc-cdp/>

**Newfoundland and Labrador:**

Newfoundland Human Rights Commission

Phone: (709) 729-2709

Toll free: 1-800-563-5808

Internet: <http://www.gov.nf.ca/hrc/>

**Nova Scotia:** Nova Scotia Human Rights Commission

Halifax phone: (902) 424-4111

Toll free: 1-877-269-7699

Internet: <http://www.gov.ns.ca/humanrights>

**Ontario:** Ontario Human Rights Commission

Toronto phone: (416) 326-9511

Toll free: 1-800-387-9080

Internet: <http://www.ohrc.on.ca>

**Prince Edward Island:** Prince Edward Island Human Rights Commission

Phone: (902) 368-4180

Toll free: 1-800-237-5031

Internet: <http://www.gov.pe.ca/humanrights>

**Quebec:** La Commission des droits de la personne et des droits de la jeunesse

Montréal phone: (514) 873-5146

Toll free: 1-800-361-6477

Québec phone: (418) 643-4826

Toll free: 1-800-463-5621

Internet: <http://www.cdpcj.qc.ca>

**Saskatchewan:** Saskatchewan Human Rights Commission

Regina phone: (306) 787-2530

Toll free: 1-800-667-8577

Saskatoon phone: (306) 933-5952

Toll free: 1-800-667-9249

Internet: <http://www.gov.sk.ca/shrc>

**Yukon:** Yukon Human Rights Commission

Phone: (867) 667-6226

Toll free: 1-800-661-0535

Internet: <http://www.yhrc.yk.ca>

**Federal Sector:** Canadian Human Rights Commission

Toll free: 1-888-214-1090

Internet: <http://www.chrc-ccdp.ca>



Commission for Labor Cooperation