

## Some Facts from the Ontario Human Rights Code

The *Ontario Human Rights Code* provides protection from discrimination in five (5) areas of our lives. It states that every person has a right to freedom from discrimination in the following:

<b>services, goods and facilities</b>	including schools, hospitals, shops, restaurants, sports and recreation organizations and facilities
<b>Occupancy of accommodation</b>	the place where you live or want to live, whether you rent or own the premises
<b>contracts</b>	whether written or oral agreements
<b>employment</b>	including advertisements, application forms and job interviews as well as work assignment, training and promotions.
<b>membership in vocational associations and trade unions</b>	Such as Ontario Secondary School Teacher' Federation or United Steelworkers

Canada is a country where freedom of expression is a right. However, by allowing the expression of discriminatory behaviours and beliefs, we risk abusing the rights of others. Human Rights legislation protects those rights in essential areas of our lives.

### Prohibited Grounds of Discrimination

The *Code* recognizes that discrimination occurs most often because of a person's membership in particular group in society. If, in any of the five (5) social areas above, a person faces discrimination on any of these grounds, then she or he is protected by the Code. These are the sixteen (16) prohibited grounds for discrimination:

<b>race</b>	Common descent or external features such as skin colour, hair texture, facial characteristics
<b>ancestry</b>	family descent
<b>place of origin</b>	country or region
<b>colour</b>	associated with race
<b>ethnic origin</b>	social, cultural or religious practices drawn from a common past
<b>citizenship</b>	membership in a state or nation
<b>creed</b>	religion or faith

<b>sex</b>	discrimination can be sexual in nature, or because of gender or pregnancy. This also includes the right to breastfeed in public areas or in the workplace. Sex also includes the notion of gender identity.
<b>sexual orientation</b>	includes lesbian, gay, bi-sexual or heterosexual
<b>handicap</b>	physical disability or disfigurement caused by injury, illness or birth defect (includes diabetes, epilepsy, paralysis, amputation, lack of physical coordination, blindness or visual impairment, deafness or hearing impairment, muteness or speech impairment and reliance on a guide dog, wheelchair or other remedial device); learning disability or any dysfunction in the ability to understand or use symbols or speech, developmental disability, psychiatric disability or an injury or disability for which benefits were claimed or received under the <i>Workplace Safety and Insurance Act, 1997</i>
<b>age</b>	18-65 years (employment); 16+ years (accommodation); 18+ years (all other areas)
<b>marital status</b>	including cohabitation, widowhood, separation
<b>family status</b>	the parent/child relationship
<b>same sex partnership status</b>	the status of living with a person of the same sex in a conjugal relationship outside of marriage
<b>record of offences</b>	Provincial offences or pardoned federal offences (in employment)
<b>receipt of public assistance</b>	in housing only

### Exceptions to the Prohibited Grounds

There are some exceptions to these prohibited grounds in the area of employment such as:

- ❑ an organization that serves a group protected by the Code, such as religious, educational or social institutions serving ethnic groups, people with disabilities, religious groups, etc., may choose to employ only members of that group;
- ❑ an employer may choose to hire or not hire, or to promote or not promote his or her own spouse, child or parent or the spouse, child or parent of the employee;
- ❑ an employer may discriminate on the basis of age, sex, record of offences or marital status if these are genuine requirements of the job. For example, a shelter for battered women may choose to hire only women counselors; a club may only hire male attendants to work in a men's locker room; or a child care facility may refuse to hire someone convicted of child molesting on the grounds that hiring would pose a safety risk to the children. In such instances, the employer must consider whether any accommodation can be made to enable that person to work in the position.