



Ontario  
Human Rights Commission  
Commission ontarienne des  
droits de la personne

GUIDE TO YOUR **rights**  
AND **responsibilities**  
UNDER THE  
***Human Rights Code***





# Contents

Using this guide .....	3
Introduction .....	4
Preamble .....	6
<b>Part I – Freedom from discrimination</b> .....	<b>7</b>
Services .....	8
Housing .....	9
<i>Harassment in housing</i> .....	10
Contracts .....	10
Employment .....	11
<i>Harassment in employment</i> .....	13
Vocational associations and unions .....	14
Sexual harassment .....	14
<i>Sexual harassment in housing and workplaces</i> .....	14
<i>Sexual solicitation</i> .....	15
Punishment for exercising rights .....	15
<b>Part II – Interpretation and application</b> .....	<b>17</b>
Definitions .....	17
Pregnancy .....	21
Constructive discrimination .....	22
Discrimination because of association .....	23
Announced intention to discriminate .....	23
Special programs .....	23
Canadian citizenship .....	24
Disability .....	24
Special interest organizations .....	26
Solemnization of marriage by religious officials .....	26

Separate school rights preserved . . . . .	26
Restrictions of facilities by sex . . . . .	27
Recreational clubs . . . . .	27
Restrictions for insurance contracts . . . . .	27
Employment . . . . .	27
Special employment . . . . .	29
Employee benefit and pension plans . . . . .	29
Discrimination in employment under government contracts . . . . .	30
<b>Appendix A – Purpose of OHRC’s policies.</b> . . . . .	<b>31</b>
<b>Endnotes</b> . . . . .	<b>32</b>

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# Using this guide

The *Guide to your rights and responsibilities under the Human Rights Code* gives a basic overview of Parts I and II of the *Ontario Human Rights Code* (the *Code*), and offers explanations about these parts of the *Code*.

The guide uses examples to show how the *Code* would apply in different situations. Many of these examples come from real cases or are based on facts from human rights claims that have been filed.

# Introduction

The Ontario *Human Rights Code* is for everyone. It is a provincial law that gives everybody equal rights and opportunities without discrimination in areas such as jobs, housing and services. The *Code's* goal is to prevent discrimination and harassment because of race, sex, disability and age, to name a few of the 17 grounds. All other Ontario laws must agree with the *Code*.

The *Code* was one of the first laws of its kind in Canada. Before 1962, various laws dealt with different kinds of discrimination. The *Code* brought them together into one law and added some new protections.

In June 2008, major changes designed to renew Ontario's human rights system came into effect. Ontario's human rights system now consists of three separate and independent parts:

- the Human Rights Tribunal of Ontario
- the Human Rights Legal Support Centre
- the Ontario Human Rights Commission.

The **Human Rights Tribunal of Ontario** (the Tribunal) decides if someone's human rights have been violated. If you think your rights under the *Code* have been violated, you can file a complaint – called an application – directly with the Tribunal. The Tribunal will decide the best way to deal with your situation. It may also decide that your rights have not been violated or that it does not have the power to deal with your case.

The **Human Rights Legal Support Centre** (the Legal Support Centre) helps people who file applications with the Tribunal. Services may include advice, support and legal representation.

The **Ontario Human Rights Commission** (the OHRC) works to identify the root causes of discrimination, and to bring about broad, systemic change to remove them. It develops policies and provides public education, monitors human rights, does research and analysis, and conducts human rights public interest inquiries. While it does not deal with individual human rights complaints, the OHRC may take its own cases,

or intervene in human rights cases before tribunals or courts on issues of broad public interest.

The *Code* is divided into an introductory section, or “preamble” followed by seven main parts. Part I sets out basic rights and responsibilities. Part II explains how the *Code* is interpreted and applied. Part III explains the role and structure of the Commission. Part IV explains how the Tribunal works and how the *Code* is enforced. Part IV.I explains the role of the Legal Support Centre. Part V deals with general matters, such as the power to make regulations. Finally, Part VI deals with transitional matters.

# Preamble

*Whereas recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world and is in accord with the Universal Declaration of Human Rights as proclaimed by the United Nations;*

*And Whereas it is public policy in Ontario to recognize the dignity and worth of every person and to provide for equal rights and opportunities without discrimination that is contrary to law, and having as its aim the creation of a climate of understanding and mutual respect for the dignity and worth of each person so that each person feels a part of the community and able to contribute fully to the development and well-being of the community and the Province;*

*And Whereas these principles have been confirmed in Ontario by a number of enactments of the Legislature and it is desirable to revise and extend the protection of human rights in Ontario;*

The Preamble to the *Code* was inspired by the 1948 *Universal Declaration of Human Rights*, an international statement of rights agreed to by many of the world's nations. It is the basis for many of our human rights protections in Canada and around the world. The Preamble sets the tone and spirit for the *Code's* basic aim: to create a climate of understanding and respect for all persons, without discrimination.

The courts have said that because of the importance of the principles set out in the *Code*, it should be given a broad and generous interpretation. When there is a difference or conflict between the *Code* and another Ontario law, the *Code* has priority unless the other law specifically states otherwise.

# PART I

## Freedom from discrimination

The *Code* protects people from discrimination in specific situations. Under the *Code*, you have the right to be free from discrimination in five parts of society – called social areas – based on one or more grounds.

The five social areas are: employment, housing, services, unions and vocational associations and contracts.

Discrimination based on 17 different personal attributes – called grounds – is against the law under the *Code*. The grounds are: citizenship, race, place of origin, ethnic origin, colour, ancestry, disability, age, creed, sex/pregnancy, family status, marital status, sexual orientation, gender identity, gender expression, receipt of public assistance (in housing) and record of offences (in employment).

Your rights under the *Code* are not violated unless the discrimination occurs in one of the social areas based on one

or more of the protected grounds. For example, the *Code* does not apply if a stranger on the street insults you by making a racist comment, because this did not happen in a specific social area, such as at your job or in a restaurant.<sup>1</sup> The *Code* will also not apply if you feel you were treated differently in your job due to a personality conflict with your manager, because the treatment is not related to a ground such as your age, sex or race.

To establish discrimination under Ontario's *Human Rights Code*, a claimant must show that:

1. they have a characteristic protected by the *Code* (e.g. race)
2. they experienced adverse treatment/ impact within a social area (for example, in accessing a service, housing or employment)
3. the protected characteristic was a factor in the adverse treatment or impact.

A person discriminates “directly” when the action itself is discriminatory and when the person acts on his or her own behalf. For example, a building manager who refuses to rent an apartment because he prefers to rent to someone of his own ethnic background is discriminating directly.

“Indirect discrimination” is discrimination carried out through another person. For example, a building manager tells her superintendent not to rent to people of a certain ethnic group because their food “smells too much.” The manager can be named in the human rights claim because she used the superintendent indirectly to discriminate against people because of their ethnic origin.

Sometimes a rule or practice unintentionally singles out particular people and results in unequal treatment. This type of unintentional discrimination is called “constructive” or “adverse effect” discrimination. The *Code* also protects against this type of discrimination. For example, an employer has a rule that employees are not allowed to wear hats or head coverings. The rule is not intended to exclude people who wear head coverings for religious reasons, but it may have this effect. Unless an employer can show that a change or exception to the rule would be too costly or create a health and safety danger, the employer should agree to change the rule.

## Services

You have the right to be free from discrimination when you receive goods or services, or use facilities. For example, this right applies to:

- stores, restaurants and bars
- hospitals and health services
- schools, universities and colleges
- public places, amenities and utilities such as recreation centres, public washrooms, malls and parks
- services and programs provided by municipal and provincial governments, including social assistance and benefits, public transit and policing
- services provided by insurance companies
- classified ads in a newspaper.

This section also applies to businesses, government, community agencies and other organizations in Ontario.

### **Services and age**

You must be at least 18 years old to file a human rights application based on age under this section. Parents or guardians can file applications on behalf of children and youth under 18.

The *Code* permits special discounts for older persons,<sup>2</sup> “golden age” passes and other benefits for persons over 65 years old. Limits on selling tobacco and alcohol to people under 19 are also allowed.

## **Services and religion**

You have the right to education, community and other services that respect your sincerely held religious practices and beliefs.<sup>3</sup>

## **Housing<sup>4</sup>**

Every person has the right to be free from discrimination in housing because of *Code*-protected grounds. You have the right to equal treatment when buying, selling, renting or being evicted from an apartment, house, condominium or commercial property. This right also covers renting or being evicted from a hotel room.

The *Code* applies to terms and conditions in contracts and leases such as the amount of rent, security deposits, the need for guarantors, occupants' rules and regulations, ending a lease and eviction.

Your right to housing without discrimination also includes suitable access to doors, laundry rooms, swimming pools, other common areas, repairs and other aspects of housing.

### **Housing and age**

You must be at least 18 years old to file a human rights application based on age, or 16 or 17 years old when you have legally withdrawn from your parents' authority. If you claim this right when you are 16 or 17 years old, you

have the same legal responsibilities you would if you were 18 years old.

### **Housing and public assistance**

A landlord cannot discriminate because of a person's income source, such as social assistance, family benefits, disability pension, or other forms of public assistance.

### **Shared housing**

The right to be free from discrimination in housing does not apply if you share housing and a bathroom or kitchen facility with the owner or the owner's family.

### **Same-sex residences**

The right to be free from discrimination based on sex does not apply to residences that are male-only or female-only. An owner of a residence can restrict access to that residence to men only or women only. Trans people should be provided access to these residences in accordance with their lived gender identity.

### **Lease applications and tenant screening**

Landlords can use income information, credit checks, credit references, rental history, guarantees or other similar business practices for selecting tenants, as long as they do so in a way that is consistent with the *Code* and its regulations.

Regulation 290/98 under the *Code* allows landlords to request income information from a prospective tenant only if the landlord also requests credit references, rental history, and credit checks. The landlord must consider income information together with all the other information obtained.

The Regulation specifically reaffirms that none of these assessment tools may be used in an unfair way to screen out prospective tenants based on *Code* grounds. The criteria must be used in a genuine and non-discriminatory way.

### **Adult-only buildings**

It is discrimination, under the ground of family status, if you are denied housing because you have children.<sup>5</sup> Adult-only buildings are not permitted in Ontario except for specific situations such as subsidized seniors' residences or care facilities.

## **Harassment in housing**

Everyone has the right to be free from harassment in housing because of *Code*-protected grounds. "Harassment" means comments or actions that are unwelcome to you or should be known to be unwelcome. You have the right to be free from humiliating or offensive conduct that is based on one or more of the *Code* grounds. Harassment requires a "course of conduct," which

means that a pattern of behaviour or more than one incident is usually required. For example, a landlord's repeated demeaning comments about how a tenant uses a wheelchair could be harassment in housing. However, one incident may be enough to support a finding of harassment where the incident creates a poisoned environment.

### **Poisoned environment**

You might feel that your housing is hostile or unwelcoming to you because of insulting or degrading comments or actions that have been made about others based on a ground in the *Code*. When comments or actions of this kind have an influence on others and how they are treated, this is known as a "poisoned environment." A poisoned environment cannot, however, be based only on your personal views. You must have facts to show that an objective person would see that the comments or conduct would make a person feel unwelcome based on *Code* grounds.

## **Contracts**

Every person having legal capacity has a right to contract on equal terms without discrimination because of any *Code* ground.

A contract is a legal agreement. It can be a written or verbal agreement.

The right to enter into a contract on equal terms covers all steps in the contract, including the offer, acceptance, price or even rejection of a contract. The *Code* covers all types of contracts, including contracts to buy a house, condominium or other type of residential accommodation, and contracts for buying a business, such as office or retail space.

For example, an automobile manufacturer cannot refuse to enter into a contract with the owner of a car dealership because the owner is gay.

## Employment<sup>6</sup>

Every person has the right to equal treatment in employment without discrimination based on *Code* grounds. In Ontario, about three-quarters of all human rights claims come from the workplace.

Employment is used in a very general way in the *Code*. Employees, independent contractors<sup>7</sup> and volunteers are covered.

Human rights applications can be filed against employers – and also against contractors, unions or boards of directors. Employers and unions have a joint duty to make sure that workplaces are free of discrimination and harassment.

The right to “equal treatment with respect to employment” covers applying for a job, being recruited, training, transfers, promotions, terms of apprenticeship, dismissal and layoffs. It also covers rate of pay, overtime, hours of work, holidays, benefits, shift work, discipline and performance evaluations.

People with disabilities have the right to be provided with equipment, services or devices that will allow them to do their job.<sup>8</sup>

### ***Employment and age***

In employment, you must be at least 18 years old to file a claim stating that you were discriminated against because of your age. There is no age maximum on the right to freedom from discrimination in the workplace because of age. This means that older persons, who feel that they have discriminated against based on their age, may file a human rights claim.<sup>9</sup>

### ***Employment and record of offences***

When you apply for a job, you cannot be asked if you have any kind of criminal record. However, employers can ask whether you have been convicted of a federal offence for which you have not received a pardon. You may be asked during an interview whether you are bondable, if that is a requirement for the job.

## **Employment and unions**

If you are a member of a union, you may have the right to file a grievance under your collective agreement. Check with your shop steward or representative.

Employers cannot come to an agreement with a union or an employee that some or all of the *Code* does not apply to them. Also, if a union does not support an employer's efforts to meet its obligations under the *Code*, a human rights application may be filed against the union.

## **Employment and creed**<sup>10</sup>

You have the right to employment that respects your sincerely held beliefs and practices. You may have religious or creed-based needs such as prayer breaks, religious or creed-based days off, and dress requirements. If you ask your employer to meet these needs, they should be met unless your employer can show that it would prevent you from doing the essential duties of your job, or would cause undue hardship based on costs or health or safety risks.

In Ontario, employers can meet their duty to accommodate time off for religious holy days by searching for solutions that allow time off without adverse employment consequences, including a loss of pay. However, forcing an employee to use vacation time instead of exploring other options

would likely be found discriminatory.<sup>11</sup> Providing several alternatives and choices is always preferable.

## **Height and weight requirements**

Minimum standards for height and weight sometimes unintentionally screen out certain job applicants, such as women and racialized persons. Such a standard is only allowed if it:

1. was adopted for a purpose or goal that is rationally connected to the function being performed
2. was adopted in good faith, in the belief that it is needed to fulfill the purpose or goal
3. is reasonably necessary to accomplish its purpose or goal, in the sense that the person cannot be accommodated without undue hardship.

The ultimate issue is whether the person responsible for accommodation has shown that accommodation has been provided up to the point of undue hardship.

## **Employment, language and accent**<sup>12</sup>

If you believe you have been discriminated against because of your language or accent, you can make a human rights claim based on a number of grounds, such as ancestry, ethnic origin, place of origin and race.

An employer can require that you speak English fluently if it is a genuine job requirement. An employer cannot use language or accent as a way to screen out racialized people or people of particular ethnic origins where language fluency is not essential to the job.

For example, an employer refuses to hire a person from Spain as a school bus driver because he does not speak fluent English. However, being fluent in English is not essential to the job. This could be discrimination because of place of origin.

### **Employment, medical examinations and drug or alcohol testing**<sup>13</sup>

Drug and alcohol dependencies, as well as perceived dependencies, may be considered a form of disability under the *Code*. While not all people with drug and alcohol dependencies see themselves as having a disability, they are protected under the *Code* against discrimination in the workplace based on the ground of disability.

Testing for alcohol and drug use is a form of medical examination. Employment-related medical examinations or questions, as part of the job screening process, are prohibited. Medical examinations to determine the ability to do essential job duties should only be used after a conditional offer of employment has been made, preferably in writing.

If an employer cannot show that it has an effect on job safety and performance, drug and alcohol testing has been found to be a violation of employee rights.

### **Employment agencies**

Employment agencies cannot discriminate. They also cannot discriminate at the request of a client. For example, an employer asks an agency to send them a young, attractive woman for a receptionist position. This would be discrimination based on age and sex.

Section 23 of the *Code* talks about other issues in employment, such as job applications, medical examinations or inquiries, and interviews.

## **Harassment in employment**

“Harassment” means comments or actions that are unwelcome to you or should be known to be unwelcome. You have the right to be free from humiliating or annoying behaviour that is based on one or more *Code* grounds.

Harassment requires a “course of conduct,” which means that a pattern of behaviour or more than one incident is usually needed. It doesn’t matter what type of business or employment it is – harassing behaviour based on *Code* grounds in any employment setting is prohibited under the *Code*.<sup>14</sup> Harassment in the workplace is also prohibited under the *Occupational Health and Safety Act*.<sup>15</sup>

### **Poisoned environment**

You might feel that your workplace is hostile or unwelcoming to you because of insulting or degrading comments or actions that have been made about others based on a Code ground. When comments or conduct of this kind have an influence on others and how they are treated, this is known as a “poisoned environment.” A poisoned environment cannot, however, be based only on your personal views. You must have facts to show that an objective person would see the comments or conduct resulting in unequal or unfair terms and conditions.

## **Vocational associations and unions**

This section deals with your right to join and be treated equally in a union, professional or other vocational association.

This applies to membership in trade unions and self-governing professions, including the terms and conditions of membership, rates of pay and work assignments. It would include employees’, employers’ and managers’ associations.

## **Sexual harassment**<sup>16</sup>

### **Sexual harassment in housing and workplaces**

“Harassment” in this section means comments or actions based on sex, sexual orientation, gender identity or gender expression that are unwelcome to you or should be known to be unwelcome. They may include humiliating or annoying conduct. Harassment requires a “course of conduct,” which means that a pattern of behaviour or more than one incident is usually required for a claim to be made to the Tribunal. However, a single significant incident may be offensive enough to be considered sexual harassment.

Women and men have the right to be free from sexual and gender-based harassment. Sexual harassment includes unwelcome sexual contact and remarks, leering, inappropriate staring, unwelcome demands for dates, requests for sexual favours, spreading sexual rumours (including on-line) and displays of sexually offensive pictures or graffiti. For example, an employer’s repeated and vulgar sexual comments to an employee could constitute sexual harassment.

The comments or conduct do not have to be sexual in nature. Someone may tease or bother you because of gender-based ideas about how men or

women “should” look, dress or behave. If you are a trans person, you are protected from degrading comments, insults or unfair treatment because of your gender identity or gender expression.<sup>17</sup>

### **Poisoned environment**

You might feel that your workplace is hostile or unwelcoming to you because of insulting or degrading comments or actions that have been made about others based on the ground of sex. When comments or conduct of this kind have an influence on others and how they are treated, this is known as a “poisoned environment.” A poisoned environment cannot, however, be based only on your personal views. You must have facts to show that an objective person would see the comments or conduct resulting in unequal or unfair terms and conditions.

### **Sexual solicitation**

You have the right to be free from unwelcome advances or requests for sexual favours made by a boss, supervisor or other person in a position of authority.

**Example:** A supervisor makes unwanted sexual advances to an employee. In this situation, it may be implied, directly or indirectly, that a promotion is at risk of being denied if the person does not agree to accept the advances.

If the supervisor punishes the person because he or she rejected the advance, this is called a “reprisal”. This kind of “getting even” is not allowed under the *Code*.

**Example:** A female employee is fired or demoted because she refused a “sexual proposition” from her manager.

### **Harassment and your safety**

If you are being harassed at work and have concerns about your safety, alert someone you believe can help you. This could be your employer, police, local community agencies and/or women’s shelters. You can also contact your local Ministry of Labour office to report incidents of workplace harassment or violence.<sup>18</sup>

## **Punishment for exercising rights**

If you believe that your rights under the *Code* have been violated, you can contact the Legal Support Centre, consult a lawyer of your own choosing, file a human rights application with the Tribunal, or file a grievance under your collective agreement to protect your rights. You may not be punished or threatened with punishment for trying to exercise these rights. Any attempt or threat to punish you is called a “reprisal.”

The following examples may be a form of punishment or “reprisal” and can result in another human rights claim:

- A tenant makes a claim under the *Code* against a landlord and tells the landlord of this. The landlord then refuses to make requested repairs to the tenant’s unit and increases the rent as a form of punishment.
- An employee believes that he was not promoted in his job because he is racialized. He tells his manager that he will contact the Human Rights Tribunal of Ontario to make a claim of discrimination. The next day, he is fired.
- An employee quits her job after making a sexual harassment claim under the *Code* against her employer and obtains new employment. She discovers that her previous employer contacted her present employer and made negative comments about her because of her human rights claim.

### ***Poisoned environment***

You might feel that your workplace or housing is hostile or unwelcoming to you because of insulting or degrading comments or actions that have been made about others based on a *Code* ground. When comments or conduct of this kind have an influence on others and how they are treated based on *Code* grounds, this is known as a “poisoned environment.”

A poisoned environment cannot, however, be based only on your personal views. There must be facts to show that an objective person would see that the comments or conduct would make a person feel unwelcome or uncomfortable at work.

#### ***Example***

A restaurant owner makes negative remarks about African-Canadians. A co-worker of Chinese origin believes that that work environment is “poisoned” for all racialized people because of these comments.

## PART II

# Interpretation and application

## Definitions

### **Age**

You have the right to be free from discrimination based on age if you are at least 18 years old.<sup>19</sup>

In services, goods, facilities, contracts and membership in unions, you can file a claim as long as you are at least 18, except for services related to liquor and tobacco for which the minimum age is 19.

Parents or guardians can file for their minor children. For example, where a child with a disability is not receiving the support and assistance she needs to access education services, her parents can make a claim on her behalf.

“Golden age specials” or “seniors’ discounts” for persons over age 65 are permissible.

In housing, you must be 18 years old, unless you have formally withdrawn from the legal control of your parents. In that case, you are protected if you are 16 or 17 years old.

Refusing to sell or lease living accommodation to families with children under age 18 is not allowed.

### **Disability**

The *Code* does not list all the conditions that may be considered a disability.<sup>20</sup>

“Disability” should be interpreted in broad terms. It includes both present and past conditions, instances where a person is perceived or “seen” to have a disability, as well as a perception that a person may develop a disability in the future. For example, if an employer does not hire a job applicant because she thinks he has a mental disorder, the job applicant can make a human

rights claim that he was discriminated against based on disability. It does not matter that the job applicant does not, in fact, have a mental disorder since the employer perceives or sees him to have a disability.

The *Code* clearly protects people against discrimination based on mental, developmental and learning disabilities. Students with disabilities have the right to be free from discrimination in school.<sup>21</sup>

A disability may be the result of a physical limitation, an ailment, a perceived limitation or a combination of all these factors. The focus is on the *effects* of the distinction, preference or exclusion experienced by the person and not on proof of physical limitations or the presence of an ailment. Discrimination may also be based on perceptions, myths and stereotypes about a disability. Even minor illnesses or infirmities can be “disabilities” if a person can show that they were treated unfairly because of the perception of a disability.

Disabilities that are not obvious to the average observer (also known as non-evident disabilities) are also protected. Examples of non-evident disabilities include chronic fatigue syndrome, back pain, and certain forms of mental illness. Other disabilities may remain hidden because they only flare up occasionally (such as epilepsy or environmental sensitivities).

If you have claimed or received benefits under the *Workplace Safety and Insurance Act*, this would be considered a disability. You do not have to prove that your condition is a disability.

If you have a disability that requires accommodation at work, you must provide enough information to allow your employer to help you. This should include information from a qualified professional confirming that you have a disability and stating the assistance you need. For example, you do not want to tell your employer about your heart condition, but you need certain parts of your job changed to accommodate this disability. When your employer asks for proof, you can ask your doctor for a letter saying that you have a medical condition (without being specific) that does not allow you to do certain things, such as climb stairs or lift heavy objects.

### ***Equal***

“Equal” means achieving equal outcomes and substantive equality. Sometimes this means treating people the same way, but it may also mean treating people differently. For example, building a ramp for a person with a disability is not “equal treatment” in the strict sense because a ramp is something built especially for persons with disabilities; but it is a requirement for a person who uses a wheelchair to have equal access to a building.

“Equal” means that when you have been discriminated against because of a ground in the *Code*, you are entitled to the *Code*’s protection. You do not actually have to prove that you are racialized or gay or that you have a disability, etc., as long as you can show that the treatment was because of a ground in the *Code*.

For example, two women are dancing together in a bar and the owner interrupts them and asks them to leave. This happens after one of the women overhears the owner say, “I don’t want people to think this is a gay bar.” Even if the women are not lesbians, they are able to make a human rights claim because they can show that they have been discriminated against because of their perceived sexual orientation.

### **Family status**

This definition includes both biological and adoptive parents, as well as someone who acts in the position of a parent to a child, such as a legal guardian.<sup>22</sup>

Human rights protections for family status include protection against discrimination based on the particular identity of a family member.<sup>23</sup> For example, it would be discrimination for an employer to take negative actions towards an employee because of personal animosity towards that person’s child.

This ground is often raised in human rights claims involving housing, when landlords or property managers limit a housing development or apartment to adults only or show a preference for married couples over single parents. This is discrimination and is not allowed under the *Code*.

This may also be the ground of discrimination when a woman is refused housing or other services or facilities because she is a lone parent or because she is breastfeeding.<sup>24</sup>

### **Group insurance**

You are protected from discrimination in the terms of your group insurance plan. This is usually but not always in relation to employment.

However, an insurance company can make a reasonable preference, distinction or exclusion because of age, sex, marital status, family status or disability.<sup>25</sup> For example, auto insurance companies classify young males differently than other persons based on their age and sex. This differential treatment has been found to be reasonable and genuine because statistics show that young males are involved in proportionally more (and more serious) accidents than other drivers and because there is no other practical alternative to this type of classification.

## **Harassment**

Harassment means statements or actions that are not welcome. The other person may know this because you told them that the behaviour is not welcome. Or the conduct may be so distressing that an objective person would agree that the behaviour was unwelcome.

Harassment requires a “course of conduct,” which means that a pattern of behaviour or more than one incident is usually required. However, one incident may be enough to support a finding of harassment where the incident creates a poisoned environment.

## **Marital status**

Marital status includes being married or in a common-law relationship. Partnerships can be either same-sex or opposite sex. Marital status also includes being single, widowed, divorced or separated. For example, you cannot be refused employment because you may or may not be married.

Human rights protections for marital status include protection against discrimination based on the identity of a person’s spouse.<sup>26</sup> For example, it would be discrimination if an employer takes negative actions towards an employee because of personal animosity towards that person’s spouse.

## **Record of offences**

This ground only applies to employment situations.

You cannot be discriminated against in your job because of:

- pardoned offences under federal law, such as the *Criminal Code*
- convictions under provincial law, such as the *Highway Traffic Act*.

This protection does not apply to offences where there has only been a charge. It only applies to convictions.

When you apply for a job, you cannot be asked whether you have any kind of criminal record. However, you can be asked if you have been convicted of a federal offence for which you have not received a pardon. You can also be asked during an interview whether you are bondable or have a driver’s licence, but only where it is an essential requirement for the job.

## **Services**

Examples of services include:

- stores, restaurants and bars
- hospitals and health services
- schools, universities and colleges
- public places, amenities and utilities such as recreation centres, public washrooms, shopping malls and parks

- services and programs provided by municipal and provincial governments, including social assistance and benefits, and public transit
- services provided by insurance companies
- classified ads in a newspaper.
- complications because of pregnancy or childbirth
- conditions that result directly or indirectly from an abortion/ miscarriage
- recovery from childbirth
- breastfeeding.

Under the *Code*, services do not include a levy, fee, tax or periodic payment imposed by law.

### **Spouse**

“Spouse” is a person married to or in a common-law relationship with another person.

This definition includes both same-sex and opposite-sex partnerships.

## **Pregnancy**

The *Code* protects a woman because she is or was pregnant, may become pregnant, has just had a baby or other pregnancy-related situations.<sup>27</sup> Pregnancy includes the process of having a baby from conception up to the period following childbirth. It also includes the post-delivery period and breastfeeding.

The term “pregnancy” takes into account all the special needs and circumstances of a pregnant woman and recognizes that the experiences of women will differ.

Special needs can be related to:

- miscarriage
- abortion

You have a right to be treated fairly at work. For example, during a job interview, an employer cannot ask:

- “Are you pregnant?”
- “Do you have a family?”
- “Do you plan to have a family?”

It is contrary to the *Code* to fire you, demote you or lay you off (even with notice) because you are or may become pregnant.

If you are or may become pregnant, you have the right to keep your job and not to be passed over for benefits and opportunities, such as:

- being hired or promoted
- training
- assignments to important or more challenging projects
- resuming your job after your pregnancy or parental leave.

You also have a right to request changes to your job duties or rules that affect you for the sake of your health when you are pregnant. Your employer should accommodate your needs, unless doing so would cause undue hardship.

The rules about pregnancy leave, parental leave and maternity benefits are set out by the Employment Standards Branch of the Ministry of Labour (Ontario)<sup>28</sup> and by Service Canada (formerly Human Resources Development Canada).<sup>29</sup>

You have the right to use services, such as restaurants, malls or other public areas, and to breastfeed your child in public without being disturbed or harassed or asked to move to a more “discreet” area. You are also protected from discrimination in the areas of housing, contracts and membership in trade unions.

## Constructive discrimination

Sometimes a rule or practice unintentionally singles out a group of people and results in unequal treatment. This type of unintentional discrimination is called “constructive” or “adverse effect” discrimination.

For example, an employer has a rule that male employees must be clean-shaven. Using this rule, the employer refuses to hire a Sikh man who, according to his religion, is not allowed to shave. The rule is not “intended” to exclude Sikh men from a job, but it has this effect. Unless an employer can show that a

change or exception to the rule would be too costly or create a health and safety risk, the employer should agree to change the rule.

The Supreme Court of Canada has set out a framework for examining whether the person responsible for accommodation has met the duty to accommodate.<sup>30</sup> Where it is established that a standard, factor, requirement or rule results in discrimination, the person responsible for accommodation must show that the standard, factor, requirement or rule:

1. was adopted for a purpose that is rationally connected to the function being performed
2. was adopted in good faith
3. is reasonably necessary to accomplish its goal or purpose, in the sense that it is impossible to accommodate the claimant without undue hardship.

As a result of this test, the rule or standard itself must be inclusive and must accommodate individual differences up to the point of undue hardship. This approach is preferable to keeping discriminatory standards that need ongoing accommodation for people who cannot meet them.

## Discrimination because of association

You cannot be discriminated against because of your association, relationship or dealings with another person identified by a *Code* ground. You have this protection whether or not you are identified by a ground in the *Code*.

### **Example:**

- A restaurant owner refuses to serve you because you are with someone who is a member of a racialized group.
- A landlord refuses to rent an apartment to you because your co-tenant is a woman with a young child.

## Announced intention to discriminate

It is illegal to display or publish certain kinds of discriminatory material. For the *Code* to apply, the item must be a notice, sign, symbol, emblem or other similar representation (such as a cartoon). It must show intent to discriminate or harass, or an intent to provoke others to discriminate or harass in employment, services or housing.

For example, a landlord distributes a button that states “do not rent to immigrants” at a community meeting on housing issues. This would be a public display of a notice that intends to promote discrimination against people in housing because of their race, ancestry, colour, ethnic origin or place of origin.

Otherwise, section 13 of the *Code* is not intended to interfere with freedom of expression. Newspaper opinions and editorials, for example, are protected under freedom of expression. While some forms of expression may seem distasteful and offensive, this is not discrimination under the *Code*.

## Special programs

This section allows organizations and employers to create temporary special measures on a voluntary basis. The purpose of a special program is to help create opportunities for people who experience discrimination, economic hardship and disadvantage.<sup>31</sup>

Landlords, service providers and other organizations may start their own special programs. No special or advance approval by the OHRC is needed. The OHRC encourages the development of special programs as an effective way to help reduce discrimination and address

historical disadvantage. Organizations can learn more about how to develop special programs from the OHRC's publication *Special programs and the Ontario Human Rights Code – A self-help guide*.

To be a special program, the program must meet one of the following conditions:

- it must relieve hardship or economic disadvantage, or
- help disadvantaged people achieve, or try to achieve, equal opportunity, or
- help eliminate discrimination.

If a special program does not meet one of these conditions, it may be deemed invalid by the OHRC, the Tribunal or another judicial body.

Examples of special programs include:

- programs designed to promote the hiring and advancement of women in a welding shop
- programs designed to encourage the enrolment of Aboriginal students in a university.

An organization may be required to create a special program as a result of a human rights claim made against them.

Special programs must be developed carefully and with clear reasons about why a particular group is chosen for special assistance.

## Canadian citizenship

You cannot be discriminated against because of your citizenship, except where Canadian citizenship is a legal requirement to get a job or get certain services. For example, since the law requires that you must be a Canadian citizen to vote in a municipal or provincial election, this requirement is not discrimination.

There is no discrimination if Canadian citizenship or permanent residency is required to take part in a cultural, educational, union or sporting activity. For example, certain competitive sports require that participants be either Canadian citizens or permanent residents.

The *Code* also allows organizations to require Chief Executive Officers (CEOs) or other senior executives to meet residence requirements.

## Disability<sup>32</sup>

### ***Accommodation and undue hardship***

There is a test to decide if the *Code* requires an employer, service provider (such as the TTC), landlord or other person to accommodate a person with a disability. In this section, "accommodation" means meeting the needs of a person with a disability.

If you are a person with a disability, and you are able to do the job or meet the requirements once your needs are met, there is a duty to accommodate those needs unless they are unduly costly or would create real health or safety dangers. The employer, landlord or service provider should consider outside sources of funding to accommodate your needs if not otherwise affordable.

You are responsible for certain things, such as making your needs known, giving information about your restrictions or limitations, taking part in discussions about possible accommodation solutions, and working with the accommodation provider on an ongoing basis to manage the accommodation process.

Your employer (or housing provider, etc.) is responsible for other things, including accepting your requests in good faith (unless there are legitimate reasons not to), getting expert opinions or advice where needed, asking for more information (if needed) to facilitate the accommodation process, taking an active role in arranging the accommodation, keeping your information confidential, and paying the cost of medical documentation (such as doctor's notes) setting out accommodation needs, etc.

### ***Ability to perform essential duties and requirements***

Essential duties and requirements are those that are needed to use a service, have access to housing or to do a job.

The requirement must be reasonable and genuine. For example, if a person applies for a job as a lawyer, it may not be essential that he or she can operate a photocopier. However, if that person is applying for a job in a copy shop, the ability to use a photocopier is likely essential.

If you cannot perform the essential duties or requirements of a job, you should identify any needs that may allow you to do these essential duties or requirements. Your employer then must try to meet your needs, to the point of undue hardship, which considers costs, any outside sources of funding, and any health or safety concerns. If needs simply cannot be met or you cannot do the job even after your needs are met, your employer's duty to accommodate ends and there is no violation of the *Code*.

If your disability prevents access to housing or use of a service, you should identify any needs that may allow such access or use. A landlord or service provider must then try to meet these needs to the point of undue hardship, which considers cost, any outside sources of funding and any health or safety concerns. If your needs simply cannot be met or you still cannot access housing or use the service even after your needs have been met, the landlord's or the service provider's duty to accommodate ends, and there is no violation of the *Code*.

## Special interest organizations

There is an exception to the rule that services must be offered without discrimination. It only applies to organizations such as charities, schools, social clubs or fraternities that want to limit their right of membership and involvement. They are allowed to do this on the condition that they serve only or mostly a particular group of people identified by a *Code* ground. For example, a cultural club serving only persons with physical disabilities may limit membership to those persons, and a shelter for battered women is allowed to serve only people who identify as women.

Because this is an exception to the *Code*, it must be read narrowly. Only organizations that clearly qualify as religious, charitable, etc. can use this section.

## Solemnization of marriage by religious officials

There is an exception to the rule that services and facilities must be offered without discrimination. It allows a religious official to refuse to perform a marriage

ceremony, to refuse to make available a sacred place for performing a marriage ceremony or for an event related to a marriage ceremony, or to assist in the marriage ceremony where the ceremony would be against the person's religious beliefs or the principles of their religion.

This section would apply to allow religious officials to refuse to perform same-sex marriages without violating the *Code*. Requiring a religious official to perform a marriage ceremony that goes against his or her religious beliefs about marriage may violate that person's right to freedom of religion as protected by the *Charter of Rights and Freedoms*.

However, nothing in this section permits *public officials* who are licensed to perform marriage ceremonies to refuse to perform this service for same-sex couples. The section only applies to religious officials.<sup>33</sup>

## Separate school rights preserved

Separate schools in Ontario have special rights guaranteed by the Constitution and by the *Education Act*. Section 19 means that the *Code* cannot affect those rights, which are mainly related to the existence and funding of Roman Catholic schools.

Otherwise, the right to be free from discrimination under the *Code* applies to Catholic schools. All schools have a legal duty to provide students with an education environment free from harassment and other forms of discrimination because of *Code* grounds.

This section does not deal with the rights or privileges of any religion-based schools other than Roman Catholic schools.

## Restrictions of facilities by sex

This section allows separate washrooms, examination areas, change rooms and other services that are men-only or women-only. Trans people should be provided access to facilities that are consistent with their lived gender identity.<sup>34</sup>

## Recreational clubs

Recreational clubs such as sports clubs may give different services or charge different fees to persons based on sex, marital status or family status. For example, special family rates in a community centre or women-only sections of a gym are permitted under the *Code*.

## Restrictions for insurance contracts

There is an exception to the rule that services and contracts must be offered without discrimination. This section allows insurance providers to make distinctions based on age, sex, marital and family status or disability when they offer individual accident, sickness or disability insurance or group insurance (not part of an employment situation). However, these distinctions must be made on reasonable and genuine grounds.

## Employment<sup>35</sup>

### Job advertisements

Advertisements for jobs should not refer, directly or indirectly, to prohibited grounds of discrimination. For example, an ad that says “We prefer hiring younger people” is not allowed.<sup>36</sup>

### Application forms

Application forms should not contain questions that ask, directly or indirectly, about race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, record of offences, age, marital status, family status or disability. Employment-related medical

questions that are part of the applicant screening process are also not allowed under the *Code*.<sup>37</sup>

### **Example**

An employer is looking for certified welders with “Canadian experience.” This ad may be discrimination because it could exclude welders who have qualified experience outside of Canada. To learn more about how the requirement for “Canadian experience” can be discrimination, see the OHRC’s *Policy on removing the “Canadian experience” barrier*.

## **Employment and driver’s licences**

Employers should not request driver’s licences on job application forms because, first, it may screen out applicants with disabilities without first determining if someone can be accommodated, and second, it may allow the use of the licence to tell the person’s age.<sup>38</sup>

If operating a vehicle is an essential job duty (such as for a truck, bus or taxi driver or chauffeur), and if individual accommodation is not possible, the requirement for a valid driver’s licence may be stated in a job ad and discussed at an interview. A request for a driver’s licence number or a copy of the licence can be made following a conditional offer of employment.

## **Employment interviews**

In job interviews, employers should only ask you questions needed to determine your qualifications or ability to do the job. For example, an employer can ask you about your physical abilities if the job is for a furniture mover. However, if you are being interviewed for a computer systems analyst position, it is not relevant for a potential employer to ask about your physical abilities.

If your disability becomes an issue at the interview (for example, if you choose to talk about your disability), an employer may ask about your ability to do the essential duties of the job and about how your needs can be met. Questions should not be out of curiosity, such as “How did you end up in a wheelchair?” or “Have you been blind all your life?”<sup>39</sup>

## **Employment agencies**

An employer cannot use an employment agency to hire people based on preferences related to race, sex, disability or the other *Code* grounds. For example, a company cannot ask an agency to send only “persons of European background” to fill a receptionist position. However, an employer can express preference based on genuine job requirements, such as the requirement to speak French for a bilingual position.

Employment agencies cannot screen applicants based on discriminatory grounds and are not allowed to keep records of client “preferences” of this kind.

If a temporary employee is referred by an agency and then requires assistance to meet his or her disability-related needs, it would be the joint responsibility of the agency and the client to arrange accommodation.

## Special employment

Organizations are generally not allowed to hire in a discriminatory way. However, there are some exceptions. The most common ones are:

1. A religious, philanthropic, educational, fraternal or social institution or organization may be allowed to give preference in hiring employees based on *Code*-protected grounds if the organization is focused on serving the interests of that group of people. For example, an organization that specializes in providing services to people with disabilities may give preference in hiring people with disabilities. This exception is only permitted if membership in a particular group is reasonable, genuine and linked to the duties of the job they are being hired for.
2. It is legal to make a hiring decision based on age, sex, record of offences or marital status only if an employer can show that the requirement is reasonable, genuine and based on the nature of the job.
3. The *Code* allows you to hire or not hire any medical or personal attendant for yourself or an ill member of your family. This section does not, however, allow agencies or health care services to send nurses or personal attendants to clients based on discriminatory preferences. You must be the “employer” to hire who you want to care for you or an ill family member.

## Employee benefit and pension plans

Employment may not be denied or made conditional upon enrolment in a benefit or similar plan, which makes a distinction based on a *Code* ground. The general rule of non-discrimination in employment applies to pension plans, benefit plans and terms of group insurance except where reasonable and genuine distinctions or exclusions are based on age, marital status, family status or sex.

An employee with a disability can be treated differently in a life insurance or benefit plan where a pre-existing disability increases the risk to a high level. An employer must compensate an employee with a disability if the employee is excluded from an employee benefit, pension or superannuation plan or fund, or a contract of group insurance between an insurer and the employer. The payment should be the same as the amount contributed to the insurer for an employee without a disability.

As a rule, the right to receive benefits under disability plans ends when you are on pregnancy or parental leave. But if your employer offers disability benefits to employees who are off on other kinds of leaves, such as education leaves or sabbaticals, they are required by law to pay the benefits to people on pregnancy leave and parental leave. Check with your employer for more information.

## **Discrimination in employment under government contracts**

The right to freedom from discrimination in employment applies to government contracts or subcontracts. This right applies to government agency contracts also.

The right to be free from discrimination in employment applies to carrying out government grants, contributions, loans or guarantees. This right also applies to government agencies.

If a Tribunal finds that discrimination in employment did take place in the performance of a government contract, grant, contribution, loan or guarantee, the government contract, grant, contribution, loan or guarantee will be cancelled. No further contract with or grant, contribution, loan or guarantee will be made to the same person.

# APPENDIX A

## Purpose of OHRC's policies

Section 30 of the Ontario *Human Rights Code* authorizes the OHRC to prepare, approve and publish human rights policies to provide guidance on interpreting provisions of the *Code*. The OHRC's policies and guidelines set standards for how individuals, employers, service providers and policy-makers should act to ensure compliance with the *Code*. They are important because they represent the OHRC's interpretation of the *Code* at the time of publication.<sup>40</sup> Also, they advance a progressive understanding of the rights set out in the *Code*.

Section 45.5 of the *Code* states that the Tribunal may consider policies approved by the OHRC in a human rights proceeding before it. Where a party or an intervenor in a proceeding requests it, the Tribunal shall consider an OHRC policy. Where an OHRC

policy is relevant to the subject-matter of a human rights application, parties and intervenors are encouraged to bring the policy to the Tribunal's attention for consideration.

Section 45.6 of the *Code* states that if a final decision or order of the Tribunal is not consistent with an OHRC policy, in a case where the OHRC was either a party or an intervenor, the OHRC may apply to have the HRTO state a case to the Divisional Court to address this inconsistency. OHRC policies are subject to decisions of the Superior Courts interpreting the *Code*. OHRC policies have been given great deference by the courts and the Tribunal,<sup>41</sup> applied to the facts of the case before the court or the Tribunal, and quoted in the decisions of these bodies.<sup>42</sup>

# Endnotes

- 1 For more information on racism and racial harassment, see the OHRC's *Policy and guidelines on racism and racial discrimination* (2005).
- 2 For more information, see the OHRC's *Policy on discrimination against older persons because of age* (2007).
- 3 For more information, see the OHRC's *Creed case law review* at [www.ohrc.on.ca/en/creed-case-law-review](http://www.ohrc.on.ca/en/creed-case-law-review) (2012), or the *Policy on creed and the accommodation of religious observances* (1996).
- 4 For more information on your right to be free from discrimination in housing, see the OHRC's *Policy on human rights and rental housing* (2009).
- 5 For more information, see the OHRC's *Policy and guidelines on discrimination because of family status* (2007).
- 6 For more detailed information, see the OHRC's publication, *Human Rights at Work* (2008).
- 7 See *Sutton v. Jarvis Ryan Associates* (2010] HRTO 2421 (CanLII) and *Ketola v. Value Propane*, (2002) HRTO 46510 (CanLII)
- 8 For more information, please see the Commission's *Policy and Guidelines on Disability and the Duty to Accommodate* (2001).
- 9 Please see the Commission's *Policy on Discrimination Against Older Persons Because of Age*, (2007).
- 10 For more information about creed and employment, please see the Commission's *Creed Case Law Review* at [www.ohrc.on.ca/en/creed-case-law-review](http://www.ohrc.on.ca/en/creed-case-law-review) (2012), and the Commission's *Policy on creed and the accommodation of religious observances* (1996).
- 11 *Shapiro v. Peel (Regional Municipality)*(No. 2) (1997), 30 C.H.R.R. D/172 (Ont. Bd. Inq.)
- 12 Further information can be obtained in the Commission's *Policy on discrimination and language* (1996). For a more complete discussion on racism and racial discrimination, please see the Commission's *Policy and guidelines on racism and racial discrimination*, (2005).
- 13 For more detailed information, please see the Commission's *Policy on drug and alcohol testing* (2000) and *Human Rights at Work* (2008).
- 14 See *Lombardi v. Watson Enterprises*, (2012) HRTO 1675 (CanLII)
- 15 See the Ministry of Labour's website for more information at [www.labour.gov.on.ca/english/hs/topics/workplaceviolence.php](http://www.labour.gov.on.ca/english/hs/topics/workplaceviolence.php)
- 16 For more detailed information, see the OHRC's *Policy on preventing sexual and gender-based harassment* (2011).

- 17 For more information, see the OHRC's *Policy on discrimination and harassment because of gender identity* (2000). Note that in 2012, "gender identity" and "gender expression" were added as grounds of discrimination in the Ontario *Human Rights Code* and the OHRC is currently updating this policy.
- 18 See [www.labour.gov.on.ca/english/feedback/index.php](http://www.labour.gov.on.ca/english/feedback/index.php)
- 19 For more detailed information, see the OHRC's *Policy on discrimination against older persons because of age* (2007).
- 20 For more detailed information on discrimination on the basis of disability and the duty to accommodate the needs of people who have disabilities, please see the Commission's *Policy and Guidelines on Disability and the Duty to Accommodate* (2001).
- 21 For more detailed information, please see the Commission's *Guidelines on Accessible Education* (2004).
- 22 For more information on discrimination on the basis of family status, see the OHRC's *Policy and guidelines on discrimination because of family status* (2007).
- 23 See *Devaney v. ZRV Holdings Ltd.*, (2012) HRTO 1590 at 113 (CanLII) and *B. v. Ontario (Human Rights Commission)*, (2002) SCC 66 at 58 (CanLII).
- 24 For more information on discrimination because of breastfeeding, see the OHRC's *Policy on discrimination because of pregnancy and breastfeeding* (2008).
- 25 See section 22 of the *Code*.
- 26 See *B. v. Ontario (Human Rights Commission)*, (2002) (2002) SCC 66 at 58 (CanLII) and *Devaney v. ZRV Holdings Ltd.*, (2012) HRTO 1590 at 113 (CanLII)
- 27 For more detailed information, see the OHRC's *Policy on discrimination because of pregnancy and breastfeeding* (2008).
- 28 See [www.labour.gov.on.ca/english/es/](http://www.labour.gov.on.ca/english/es/).
- 29 See [www.servicecanada.gc.ca/](http://www.servicecanada.gc.ca/).
- 30 See *British Columbia (Public Service Employee Relations Commission) v. BCGSEU* (1999) 3 S.C.R. 3 (CanLII) ["Meiorin"]. Also, see *Hydro-Québec v. Syndicat des employé-e-s de techniques professionnelles et de bureau d'Hydro-Québec, section locale 2000*, (2008) SCC 43 (CanLII) for the Supreme Court of Canada's recent comments on what the third part of this test means, in a practical sense, in the context of a disability accommodation in the workplace.
- 31 See the OHRC's *Special programs and the Ontario Human Rights Code – A self-help guide* (2010).
- 32 For more detailed information on the duty to accommodate persons with disabilities, see the OHRC's *Policy and guidelines on disability and the duty to accommodate* (2001).
- 33 For more information on the right to be free from discrimination because of sexual orientation, see the OHRC's *Policy on discrimination and harassment because of sexual orientation* (2006).
- 34 For more information, see the OHRC's *Policy on discrimination and harassment because of gender identity* (2000).
- 35 For more information, see the OHRC's publication, *Human Rights at Work* (2008).
- 36 For more information on age discrimination, see the OHRC's *Policy on discrimination against older persons because of age* (2007).
- 37 For more information, see the OHRC's publication, *Human Rights at Work* (2008).
- 38 For more information, see the OHRC's *Policy on requiring a driver's licence as a condition of employment* (1996), and the *Policy and guidelines on disability and the duty to accommodate* (2001).

- 39 For more information, see the OHRC's *Policy and guidelines on disability and the duty to accommodate* (2001).
- 40 Note that case law developments, legislative amendments, and/or changes in the OHRC's own policy positions that took place after a document's publication date may not be reflected in that document. The OHRC is working towards providing regular updates to its policies and providing up-to-date case law reviews on its website. For more information, check the OHRC website at [www.ohrc.on.ca](http://www.ohrc.on.ca) or contact the Ontario Human Rights Commission.
- 41 In *Quesnel v. London Educational Health Centre* (1995), 28 C.H.R.R. D/474 at para. 53 (Ont. Bd. Inq.), the tribunal applied the United States Supreme Court's decision in *Griggs v. Duke Power Co.*, 401 U.S. 424 (4th Cir. 1971) to conclude that OHRC policy statements should be given "great deference" if they are consistent with *Code* values and are formed in a way that is consistent with the legislative history of the *Code* itself. This latter requirement was interpreted to mean that they were formed through a process of public consultation.
- 42 The Ontario Superior Court of Justice has quoted at length excerpts from the OHRC's published policy work in the area of mandatory retirement and stated that the OHRC's efforts led to a "sea change" in the attitude to mandatory retirement in Ontario. The OHRC's policy work on mandatory retirement heightened public awareness of this issue and was at least partially responsible for the Ontario government's decision to pass legislation amending the *Code* to prohibit age discrimination in employment after age 65, subject to limited exceptions. This amendment, which became effective December 2006, made mandatory retirement policies illegal for most employers in Ontario: *Assn. of Justices of the Peace of Ontario v. Ontario (Attorney General)* (2008), 92 O.R. (3d) 16 at para. 45. See also *Eagleson Co-operative Homes, Inc. v. Théberge*, [2006] O.J. No. 4584 (Sup.Ct. (Div.Ct.)) in which the Court applied the OHRC's *Policy and Guidelines on Disability and the Duty to Accommodate*, available at: [www.ohrc.on.ca/en/resources/Policies/PolicyDisAccom2](http://www.ohrc.on.ca/en/resources/Policies/PolicyDisAccom2)

For more information on the human rights system in Ontario, visit:  
[www.ontario.ca/humanrights](http://www.ontario.ca/humanrights)

For policies, guides, brochures and other information on human rights in Ontario, visit the Ontario Human Rights Commission website at [www.ohrc.on.ca](http://www.ohrc.on.ca).

To file a human rights claim (called an application), contact the Human Rights Tribunal of Ontario at:

Toll Free: 1-866-598-0322

TTY: 416-326-2027 or Toll Free: 1-866-607-1240

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

To talk about your rights or if you need legal help with a human rights claim, contact the Human Rights Legal Support Centre at:

Toll Free: 1-866-625-5179

TTY Toll Free: 1-866-612-8627

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





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