

Canadian Human Rights Act

R.S.C., 1985, c. H-6

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1. When does the *Act* apply?

1.1. The purpose of *The Canadian Human Right Act* is to ensure that all individuals have equal opportunities to make for themselves the lives that they are able and wish to have. The *Act* gives everyone a right to be treated the same and does not allow people to treat other people differently just because of a disability.

1.2. Everyone is protected by the *Canadian Human Rights Act* in dealings with the following employers and service providers:

1.2.1. federal departments, agencies and Crown corporations;

1.2.2. Canada Post

1.2.3. chartered banks

1.2.4. national airlines

1.2.5. interprovincial telephone companies

1.2.6. interprovincial transportation companies

2. What is discrimination?

2.1. Discrimination is denying a person something you would give to anyone else. It means treating a person like they are different, whether you mean to or not

3. How does this Act protect you against discrimination?

3.1. No one can discriminate against you, because of a physical or mental disability, when you are:

3.1.1. getting access to any good, facility, or accommodation (s.5)

3.1.2. renting a house, apartment, or hotel (s.6)

3.1.3. Getting a job or volunteer work (s.7)

3.2. It is discrimination if someone will not hire you or treat you equally because they think or assume that you can not do something just because of your disability.
(s.7)

4. There are limitations to your protection!

4.1. It is not discrimination if your physical or mental disability makes it so you can't do the tasks that are a part of the job and your disability cannot be accommodated so that you can do the job (s. 15). For example, it is not discriminatory to not hire a blind person to be a bus driver.

5. What do you do if you have been discriminated against?

5.1. If you feel that you have been discriminated against, you can make a complaint. The person you complain about can not do anything to get back at you for making the complaint (s.60).

6. Who do you make a complaint to?

6.1. Complaints are made to the Canadian Human Rights Commission. You can contact the Commission:

6.1.1. by phone, toll free, at 1-800-999-6899

6.1.2. by fax at 902-426-2685

6.2. The complaint must be filed within **one year**, the discrimination must have occurred in Canada, and the victim must legally be in Canada or allowed to return if the victim is away from Canada. (s. 40)

7. What happens when you make a complaint?

7.1. If it decides to deal with the complaint, the Commission investigates the discrimination complaint. The investigators must make a report of their findings. (s.43)

7.2. If the complaint is not settled during the investigation and the Commission decides to continue dealing with the complaint, a conciliator is appointed to try to resolve the complaint. (s. 47)

7.3. If the complaint is not settled after the conciliation, the case may be sent to the Human Rights Tribunal. (s.48)

7.3.1. The Tribunal reviews the complaint and makes a decision. It will either dismiss the complaint or order compensation. (s. 48)

7.3.2. The Tribunal's decision can be appealed to a Review Tribunal or Federal Court by either party.

8. What are the possible results?

8.1. The Tribunal can order the other person to stop discriminating against you. (s. 53)

8.2. It can also order that you be compensated for the effects of the discrimination (s. 53)

8.2.1. The compensation may include an order that you be paid back any lost wages or expenses that resulted from the discrimination. (s. 53)

8.2.2. The compensation may include a payment of **up to \$20,000** for pain and suffering that resulted from the discrimination. (s. 53)

8.3. The Commission can order that the person pays a penalty of up to \$10,000.

9. Disclaimer – PLEASE READ!

The law is described here in plain language to make it more accessible for persons with disabilities. We provide this service to help our consumers begin to understand the law as it applies to them and alert themselves to legal issues as a first step of advocating for themselves and their peers. reachAbility does not present this information as an accurate statement of the law and it should not be taken as such. More authoritative statements of the law can be found at <http://www.gov.ns.ca/legislature/legc/> and <http://laws.justice.gc.ca/en/>.

If you think your rights under the law presented above have been infringed, you should seek licensed legal counsel to discuss that problem. Legal referrals can be made through any of the following:

<u>Organization</u>	<u>Website</u>	<u>Phone</u>
reachAbility	http://www.reachability.org	429-5878
Legal Information Society of Nova Scotia	http://www.legalinfo.org/referral.html	455-3135 (Metro) 1-800-665-9779 (toll free in NS)