

Canadian Human Rights Commission

WORKERS' RESOURCE CENTRE

#404, 999 – 8 STREET SW

CALGARY, AB. T2R 1J5

403-264-8100

WWW.HELPWRC.ORG

INFO@HELPWRC.ORG

What is the Canadian Human Rights Commission?

”The Commission protects the core principles of equal opportunity and promotes a vision of an inclusive society free from discrimination by:

- ▶ Promoting human rights through research and policy development;
- ▶ Protecting human rights through a fair and effective complaints process;
- ▶ Representing the public interest to advance human rights for all Canadians; and
- ▶ Auditing employers under federal jurisdiction for compliance with employment equity.”

Grounds of Discrimination

No one can be discriminated against or treated badly based on their:

- ▶ Race
- ▶ National or ethnic origin
- ▶ Colour
- ▶ Religion
- ▶ Age
- ▶ Sex
- ▶ Sexual orientation
- ▶ Gender identity or expression
- ▶ Marital status
- ▶ Family status
- ▶ Disability
- ▶ Genetic characteristics
- ▶ A conviction for which a pardon has been granted or a recorded suspended

What workplaces are covered by the Canadian Human Rights Commission?

- ▶ Banks
- ▶ Marine, shipping, ferry and port services
- ▶ Air transportation
- ▶ Road transportation that crosses provincial or international borders
- ▶ Canals and bridges
- ▶ Telephone and cable systems
- ▶ Radio and television broadcasting

What workplaces are covered by the Canadian Human Rights Commission?

- ▶ Grain elevators, feed and seed mills
- ▶ Uranium mining
- ▶ Businesses dealing with fisheries as natural resources
- ▶ Many First Nation activities
- ▶ Canadian carriers, telecommunication that fall under the authority of Parliament
- ▶ Most Crown corporations
- ▶ Employees of federal public services

Some Examples of Discrimination in the Workplace

- ▶ An employer assigned an employee to weekend shifts without recognizing that some employees observe the Sabbath and cannot work on those days
- ▶ An employer's physical fitness requirements are based on the capabilities of an average 25 year old instead of being based on the actual requirements of the job
- ▶ An employer with an excellent performance record announces that they are pregnant, immediately the employer begins to identify performance issues that lead to the employees dismissal
- ▶ After having a child, an employee cannot find childcare to continue working overnight shifts and the employer does not allow flexibility by scheduling the employee on day shifts
- ▶ An employer requires all employees to have a valid driver's license. People who cannot drive due to a disability are not given an opportunity to show they can still perform the job (i.e. using other transportation methods)
- ▶ A policy that requires an employee to identify themselves as either male or female

What is a Duty to Accommodate?

Employers have an obligation to adjust rules, practices and policies to enable employees to fully participate and these are based on the needs related to the groups of discrimination

Sometimes it is necessary for an employer to treat someone differently in order to prevent or reduce discrimination

A duty to accommodate may require that alternative arrangements be made to ensure that a person or group can fully participate

Undue Hardship

It is important to consider that there is a reasonable limit to how far an employer has to go to accommodate an employee's needs

Sometimes accommodations are not possible because it would cost too much or create health or safety risks

An employer can claim undue hardship as the reason why certain policies or practices need to stay in place, even though they may negatively effect the employee

Employers will need to provide sufficient evidence of undue hardship

IMPORTANT!!

If discrimination happens please ensure that you document everything

- ▶ Who said or did what?
- ▶ Where were you?
- ▶ What day and when did it happen
- ▶ Who was there to witness the discrimination?
- ▶ What negative effect did the discrimination have?

You have 1 year from the date of the incident to file a Human Rights complaint

What Happens After I File a Complaint?

The Human Rights Commission aims to contact the complainant within 20 days of receiving the complaint

If the complaint is accepted the organization you filed the complaint against will receive a copy of the complaint

The Canadian Human Rights Commission will recommend mediation which would be mediated by the Commission, is voluntary and confidential and can be provided for 4 months

- ▶ If mediation works, both sides will reach a settlement agreement
- ▶ If mediation does not work, the complaint may be assigned to a human rights officer for assessment

What Happens After I File a Complaint?

If the complaint is sent to an officer, once the officer has all the required information, they will contact both parties within 6 months to share the assessment and ask if there are any additional information or comments

The report will then be sent to a human rights commissioner who will make a decision within 2 weeks

- ▶ Dismiss the complaint
- ▶ Send the complaint to conciliation
- ▶ Defer the decision and request more information and further analysis, or
- ▶ Refer the complaint to the Human Rights Tribunal

Decisions will be shared within 10 business days and all decisions are final

What Should I do if I Need Help with Canadian Human Rights?

If you need assistance with Canadian Human Rights or discrimination in the workplace, please contact

Workers' Resource Centre
at 403-264-8100 or info@helpwrc.org
to make an appointment with one
of the WRC caseworkers