

Scope of Human Rights Code

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

- **Services, goods and facilities** - including schools, hospitals, shops, restaurants, sports and recreation organizations and facilities
- **Occupancy of accommodation** - the place where you live or want to live, whether you rent or own the premises
- **Contracts** - whether written or oral agreements • Employment- including advertisements, application forms and job interviews as well as work assignment, training, and promotions
- **Membership in vocational associations and trade unions** - such as the Ontario Secondary School Teachers' 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 persons' membership in a particular group in society. If, in any of the five social areas above, a person faces discrimination on any of these grounds, then she or he is protected by the Code. These are the fifteen prohibited grounds for discrimination:

- **Race** - common descent or external features such as skin colour, hair texture, facial characteristics
- **Ancestry** - family descent
- **Place of origin** - Country or region
- **Colour** - Associated with race
- **Ethnic origin** - Social, cultural or religious practices drawn from a common past
- **Citizenship** - Membership in a state or nation
- **Creed** - Religion or faith
- **Sex** - discrimination can be sexual in nature, or because of gender or pregnancy
- **Sexual orientation** - includes lesbian, gay, bisexual or heterosexual

- **Handicap** - physical disability or disfiguration 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 Workers' Compensation Act.
- **Age** - 18-65 years (employment); 16+ years (accommodation); 18+ years (all other areas)
- **Marital status** - including cohabitation, widowhood, separation, same-sex partners
- **Family status** - the parent-child relationship
- **Record of offenses** - provincial offences or pardoned offences (in employment)
- **Receipt of public assistance** - 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 groups 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 an 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 as counselors; a club may only hire male attendants to work in the men's locker room; or a child care facility may refuse to hire someone convicted of child molesting on the ground that the 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.

Human Rights Quiz

How well do you know your rights? Read the following situations and answer the questions by responding **YES, NO, or MAYBE** to each. **Justify** your answer with a full explanation that relates to the Human Rights Code.

1. Anthony, who is 18 years old, has applied for a job as a clerk in a sporting goods store. The store manger is impressed with Anthony's maturity and ability and says that he will hire him subject to reference checks. On checking his references with a former employer, the manager found out that Anthony was convicted of reckless driving several times when he was younger and calls him to tell him he will not be hired. Has the store manager violated Anthony's human rights by refusing to hire him? _____

Justify _____

2. Naomi and several of her friends play in a women's hockey league at the local community centre. Whenever they play, the male rink attendants never give them their full allotted ice time. The attendants jeer every time one of the young women falls and there are often pin-up pictures of women in the dressing rooms. Naomi has complained and the manager has done nothing saying that women should 'stick to figure skating' and 'leave hockey to boys'. Have the rink attendants violated the young women's human right? _____

Justify _____

3. After years of fighting, Don's parents are getting a divorce. Things are so tense that Don feels he must live on his own if he is to successfully complete his school year. He has been a good student and stayed out of trouble. At 16, he has qualified for social assistance and has put in an application at a rooming house near his school. The property manager refuses to rent Don a room, saying that he does not rent to 'welfare kids'. Has the property manager violated Don's human rights? _____

Justify _____

4. Cassandra and several black friends have gone to a local restaurant after school. They are laughing and carrying on like others in the restaurant. Things start to get out of hand between their group and several white students sitting at another table. Food is thrown and the groups exchange angry remarks. When the restaurant staff asks Cassandra and her friends to leave the restaurant, they feel angry and discriminated against. Has the restaurant staff violated the group's human rights? _____

Justify _____

5. Last week, Maureen and her friend Sean organized a school group to raise funds for AIDS research.. Yesterday, they both found crudely drawn cartoons making fun of gays and lesbians on their desks. Last night, several student shouting anti-gay comments verbally attacked them on the street opposite the school. Their teacher say the cartoons and has heard rumours of the verbal attack, but feels that nothing can be done because the attack took place off the school premises. Neither student has complained to school officials. Have the students violated Maureen and Sean's human rights? _____

Justify _____

6. A local optician's office has an opening for a part-time receptionist. The position requires excellent communication skills, as the person will answer customer's' telephone calls and receive patients who enter the clinic. Michelle, who was born and raised in Quebec City has applied for the job. The owner does not hire her because she feels customers may not understand Michelle because of her French accent. Has the owner violated Michelle's human rights? _____

Justify _____

7. Last Saturday, Michael and his friends attended a movie theatre they had never been to before. The theatre staff told Michael, who requires a motorized wheelchair because he has muscular dystrophy, that he would either have to transfer into a theatre seat or watch the movie from the only area available for the wheelchair - in front of the first row of seats. When he complained about this arrangement, the theatre staff told him he was entitled to the same service as everyone else – a ticket and a seat to watch the movies. Has the movie theatre staff violated Michael's human rights? _____

Justify _____

