

Chapter 6 Part 2

Key Terms

- **Balance of Probabilities** - the basis of greater likelihood; the degree of proof in civil law, in comparison with proof beyond a reasonable doubt in criminal law
- **Bona Fide** - (Latin) "in good faith"; legitimate, genuine
- **Undue Hardship** - the result of a change that would affect the economic viability of an employer or produce a substantial health or safety risk that outweighs the benefit of accommodating someone
- **Ombudsman** - an official appointed to receive and investigate citizens grievances against the government

Kearsley v. City of St. Catharines, Ontario Human Rights Commission, April 2002

- Kearsley needed a doctor's recommendation to be able to work as a firefighter for the City of Katherines. This doctor was specifically picked out by the City of Catherines.
- The Doctor found an irregular heartbeat, the doctor told Kearsley that he was not able to work as a firefighter because of this. Kearsley consulted with other doctors and they had completely opposite opinions.
- Kearsley took this trial and won the case. The Board of Inquiry hired an expert of Atrial fibrillation(Irregular heartbeats). The expert testified that even with the irregular heartbeat, Kearsley is still able to work as a firefighter.
- The board found that Kearsley's rights were violated and gave remedies to him such as hiring kearsley as a firefighter for the City, paying damages of \$4000

Vriend V. Alberta

- Delwin Vriend worked a job at king's college. He was given full employment in 1988 because of his outstanding work.
- He was then ask to resign because they found out that he was a homosexual.

Eaton V. Brant County Board of Education

- Emily eaten faced difficulties with cerebral palsy and mobility and speech impairments. She was placed in a special ed class but her parents felt that she should be put into a regular classroom. The School did not agree so the parents filed a complaint that Emily Eaton's Equality rights were messed with.
- The Supreme court's final decision was that the case of disability should be looked

Human Rights Code Extent

- In Canada, there is a growing problem with Homelessness. Many Activists have demanded the government that they do something about homelessness, malnutrition, and social alienation. Many people believe that an adequate living space should be in Human Rights.

Human Rights and The Charter

- The main focus of Human rights is Equality rights, which states that there should be discrimination to those of different sexes, religion, race, ethnic, nationality , mental or physical disability.

2 important persons

- Justine Blainey is a women who went to Ontario court of appeal in 1986 to file a discrimination lawsuit regarding the metro toronto hockey league because she had the courage and skill to play on the boys hockey team.
- Maryka Omatsu was the first Asian women to be appointed as judge (1993)

Enumerated and Analogous Grounds of Discrimination

- Enumerated grounds are decided by the SCC and are the most common and historically practiced forms of discrimination
- Analogous grounds are similar grounds of discrimination to those that are enumerated but are not exactly the same

Deciding an Equality Case

- The courts will ask three main questions when deciding an equality case:
 1. Does the action deny an equal benefit or impose an unequal burden on an individual or group?
 2. Is the action discriminatory? An action will be discriminatory only if it is made on the basis of an enumerated or analogous ground.
 3. Is the action discriminatory on the facts of the case?
- It is impossible to prove a s.15 infringement without first proving discrimination