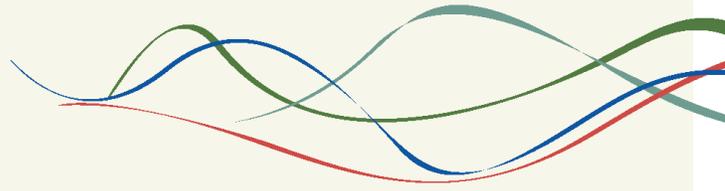


NATIVE WOMEN'S
ASSOCIATION OF CANADA

L'ASSOCIATION DES FEMMES
AUTOCHTONES DU CANADA



Human Rights for First Nations

The *Canadian Human Rights Act (The Act)* is a federal law and protects all people legally allowed to be in Canada from discrimination.

Aboriginal and Treaty rights have constitutional protection under section 35 (1) of the *Constitution Act, 1982*.

- The 11 grounds of discrimination protected under the *Act* are:
 - Race
 - National or Ethnic Origin
 - Colour
 - Religion
 - Age
 - Sex
 - Sexual Orientation
 - Marital Status
 - Family Status
 - Disability
 - A Conviction for which a pardon has been granted
- The *Act* forbids discriminatory practices in areas of goods, services, facilities or accommodation customarily available to the general public. This can cover services available to the public, rental and housing, public advertisements and message, and harassment (in the workplace of provision services).

Making a Discrimination Complaint

If you feel discriminated against, you may contact the Canadian Human Rights Commission to determine if you can file a discrimination complaint. This can be completed if there is reasonable belief that all of the following three things have happened:

- A discriminatory practice happened
- What happened was based on a ground of discrimination
- The effect of what happened was negative

Addressing a Complaint

To address a complaint, the Commission will investigate by interviewing witnesses and reviewing any supporting documents to decide if there is evidence to support the allegation(s) in the complaint. The Commission members will decide if the complaint should be dismissed, sent to conciliation, or referred to the Tribunal for further examination.

Responding to a Discrimination Complaint

If you are notified about a complaint having been made against your organization you can prepare a response to the complaint. This is your side of the story. One person should be designated as the representative to be the main contact for the Commission and handle the complaint. When responding to a complaint you must gather information related to the complaint and examine the discrimination allegation(s). After doing these things, consider making changes to the policy, practice, by-law or building to make it end the discrimination.

Retaliation against someone who has filed a complaint is a serious violation of the *Act*, with fines up to \$50,000.

Making First Nations Legal Traditions and Customary Laws Part of the Process.

Consider developing a community-based dispute resolution process to resolve conflict. Communities that control their own dispute resolution process can include their unique culture, identity, traditions, language and institutions in it.

Ways to Prevent Discrimination and Respect Human Rights

- **Encourage Leadership Commitment**

Having all of the leaders in your organization publicly commit to human rights is a good first step. You may consider appointing a human rights officer to help bring attention to human rights issues.

- **Review the Human Rights Aspects of Your Organizations' Operations**

Take a second look at your organizations' operations and policies to ensure that they respect human rights. Consider having an employee or legal advisor assigned to the task of reviewing your organization's documents.

Having policies like the following will help prevent discrimination complaints:

- An anti-harassment policy;
- An anti-discrimination policy;
- A duty to accommodate policy;
- A pregnancy and paternal leave policy; and,
- A community-based dispute resolution policy.

Providing human rights training will help people know about their rights, roles and responsibilities and encourage an environment of respect.