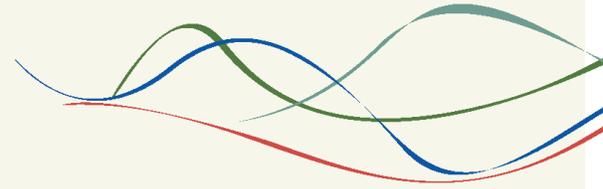


NATIVE WOMEN'S
ASSOCIATION OF CANADA
L'ASSOCIATION DES FEMMES
AUTOCHTONES DU CANADA



Understanding the *Canadian Human Rights Act*

What is Discrimination?

Discrimination is the unfair or negative treatment of a person or group because of their race, age, religion, sex etc.

If you are a victim of discrimination under the *Canadian Human Rights Act* (Act) you can file a complaint to the Canadian Human Rights Commission.

Is your case Federal or Provincial?

Canada's constitution splits legal responsibility between federal and provincial/territorial governments.

The federal government regulates employers and service providers such as:

- Federal departments, agencies, and crown corporations
- Chartered banks
- Airlines
- Band Councils and some other federally-regulated First Nations organizations

Provincial / territorial governments regulate other businesses and service providers and have their own human rights laws. For example, a Band office is federally regulated, but a gas station or convenience store on a reserve are regulated by the provincial / territorial government. Therefore, any complaint against the gas station or convenience store would be looked after by the provincial / territorial Human Rights Commission.

What are the grounds of discrimination?

Section 5 of the Act prohibits discriminatory practices in areas of goods, services, facilities or accommodation that are customarily available to the general public and outlines eleven discriminatory grounds under section 3 of the Act.

It is illegal for federally-regulated employers and service providers, under Section 3 of the Act, to discriminate against people, or treat them unfairly based on the following:

- Race
- National or ethnic origin
- Colour
- Religion
- Age
- Sex
- Sexual orientation
- Marital status
- Family status
- Disability
- A conviction for which you have been granted a pardon

Some examples of discrimination under the Act would be: if you applied for Band Membership, but the Band refuses because you are women (sex); or if you are fired from your job because you become pregnant (sex).

Discriminatory Practices

Based on the grounds of discrimination, the Act forbids discriminatory practices such as:

- Paying women and men differently when they are doing work of the same value (Section 11).
- Refusing to employ or continue to employ someone or treating them unfairly in the workplace (Section 7).
- Harassing someone (Section 14).

The Commission and the Tribunal

The Act created both the Canadian Human Rights Commission and the Canadian Human Rights Tribunal. Both the Commission and the Tribunal operate independently from the Government and each other.

The Commission is responsible for:

- dealing with complaints of discrimination by federally regulated employers or service providers;
- promoting an understanding of human rights and informing federally regulated organizations the importance of respecting those human rights; and
- ensuring that workplace equality is promoted by the employer for women, Aboriginal Peoples, people with disabilities, and members of visible minorities. These four groups are named in the *Employment Equity Act*.

The Tribunal is responsible for holding a hearing and deciding on cases that the Commission send to it; and making orders to solve discrimination.

Making a Complaint

If you think you are a victim of discrimination you must contact the Commission in writing or by telephone. The Commission will tell you if they can deal with your complaint, as well as give you information on the Commissions services.

You must file your complaint within 12 months of the act or decision you are complaining about, and

The Act and Aboriginal Peoples

In 2008, the Federal government repealed Section 67 of the *Canadian Human Rights Act*. Before the repeal of Section 67, decisions made, or actions taken by the federal government or First Nations governments under the Indian Act were not subject to the CHRA, and therefore individuals affected by these decisions could not file a human rights complaint for discrimination. Since the repeal of section 67, if actions or decisions taken under the Indian Act by a Band Council or a federally-regulated First Nation organization are discriminatory, status First Nations, members of Bands and individuals residing on-reserve are able to make a human rights complaint under the CHRA.

Since June 2011, Aboriginal Peoples have been able to make a human rights complaint under the *Indian Act*, if the acts or decisions of a First Nations Government or a federally regulated Aboriginal organization are a discriminatory practice.

must describe the grounds of discrimination, the discriminatory practice and how it has affected you.

A human rights officer will encourage you to resolve the discriminatory situation through a workplace or community process known as internal dispute resolution.

A human rights officer will send you a kit with instructions on how to fill out a complaint form. A human rights officer, family or friends can help prepare the complaint form, a lawyer is not required.

To see the Act, visit <http://laws.justice.gc.ca/eng/H-6/index.html>.