

Fact sheet #1: The Ontario Human Rights Code

The Ontario *Human Rights Code* (the *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 areas, known as social areas:

- **Services, goods and facilities** – including schools, hospitals, shops, restaurants, sports and recreation organizations and facilities
- **Housing** – the place where you live or want to live, whether you rent or own the premises
- **Contracts** – includes both written and oral agreements
- **Employment** – includes job ads, application forms, job interviews, work assignments, work environment, training, promotions, discipline, terminations, volunteer duties, etc.
- **Membership in vocational associations and trade unions** – such as the Ontario Secondary School Teachers' Federation or United Steelworkers.

Prohibited grounds of discrimination

The *Code* recognizes that discrimination occurs most often because of a person's membership in a particular group in society. In the five social areas above, the *Code* protects people based on the following grounds:

- **Age** – 18-65 years (employment); 16+ years (housing); 18+ years (all other areas)
- **Ancestry** – family descent
- **Citizenship** – membership in a state or nation
- **Colour** – associated with race
- **Creed** – religion or faith
- **Disability:** There are two common ways of looking at what disability is. One way is to see a disability as a medical condition that a person has. From this perspective, disability covers a broad range and degree of conditions, some visible and some not visible. A disability may have been present from birth, caused by an accident, or developed over time. There are physical, cognitive, mental and learning disabilities, mental disorders, hearing or vision disabilities, epilepsy, drug and alcohol dependencies, environmental sensitivities, and other conditions.

A newer way of looking at disability is that it is not something a person has. A person with a medical condition is not necessarily prevented (or disabled) from fully taking part in society. If society is designed to be accessible and include everyone, then people with medical conditions often don't have a problem taking part. From this point of view, disability is a problem that occurs when a person's environment is not designed to suit their abilities.

- **Ethnic origin** – social, cultural or religious practices drawn from a common past
- **Family status** – a parent/child relationship
- **Gender expression** – the external attributes, behaviour, appearance, dress, etc. by which people express themselves and through which others perceive that person's gender
- **Gender identity** – a person's conscious sense of maleness and/or femaleness; this sense of self is separate and distinct from biological sex
- **Marital status** – applies equally to common-law, same-sex and opposite-sex relationships; includes widowhood, separation, divorce
- **Place of origin** – country or region
- **Race** – common descent or external features such as skin colour, hair texture, facial characteristics

- **Receipt of public assistance** – in housing only
- **Record of offences** – provincial offences or pardoned federal offences (in employment only)
- **Sex** – discrimination can be sexual in nature, or because of pregnancy. This ground includes the right to breastfeed in public areas or in the workplace
- **Sexual orientation** – includes lesbian, gay, bisexual, heterosexual, two-spirited, questioning, etc.

It is possible for a person to experience discrimination based on multiple grounds (for example, sexual orientation *and* race). In some cases, a person may be exposed to a particular kind of discrimination or disadvantage because of a unique combination of identities. For example, there are assumptions and/or stereotypes associated with “young Black males” that are not necessarily made about “older Black males” or “young Black females.”

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 group 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 based on age, sex, record of offences or marital status if these are genuine requirements of the job. For example, a shelter for abused women may choose to hire only women as counsellors; a club may hire only 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 job.