

STEPS TO JUSTICE

HUMAN RIGHTS LAW

An OJEN workshop demonstrating a CLEO
public legal information resource.



CLEO

Community Legal Education Ontario
Éducation juridique communautaire Ontario



True or false?

1. My employee, Janie, says I am discriminating against her.
But I own the business, so I can just fire her, right?

TRUE OR FALSE: Owning a business allows you to make any decision you want about your employees.



True or false?

2. I am a single mom. I applied to rent an apartment, but the landlord told me he preferred renting to people without kids. The ad for the apartment said it was 'suitable for young professionals.' This feels like discrimination.

TRUE OR FALSE: A landlord is entitled to turn away prospective tenants if they have kids.



True or false?

3. I'm 16, and I'm really tired of going to school. I heard employers can't turn me away for being too young, so I'm going to drop out, get a day job and make money while my friends are still stuck in class!

TRUE OR FALSE: An employer can refuse to hire you for being too young.



True or false?

4. I just moved into a house where I share the kitchen with my landlord and her family. She just found out that I am Muslim, and now she wants to kick me out. She says she doesn't want her children to be exposed to my faith. That is really wrong – you can't kick someone out because of their religion, right?

TRUE OR FALSE: A landlord is entitled to evict you because of your religion.

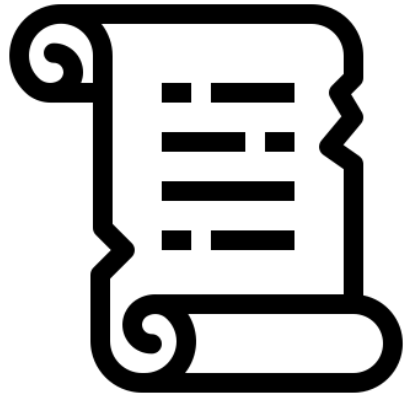


True or false?

5. I found a great apartment in a women-only dorm building on my university campus, but they rejected me because I'm a trans woman. I think that's discrimination!

TRUE OR FALSE: A landlord is entitled to turn away prospective tenants on the basis of gender identity.

Human Rights in Ontario



Charter of Rights and Freedoms vs. Ontario Human Rights Code

Charter of Rights and Freedoms

- All human rights legislation must align with the *Charter*
- Can only be used to challenge **governmental** decisions, actions or laws
 - i.e. cannot cite the *Charter* in a dispute against another person/organization

Ontario Human Rights Code

- All legislation must align with the *Ontario Human Rights Code* (unless legislation specifically states that the *Code* does not apply)
- Can be used for both governmental and private actions
 - i.e. can be used in a dispute against another person/organization

Human Rights in Ontario



Human Rights Laws

Deal with five important areas of life:

- **Services, goods and facilities**
- **Housing**
- **Contracts**
- **Employment**
- **Membership in vocational associations and trade unions**

Protect Ontarians against discrimination on the basis of seventeen different grounds:

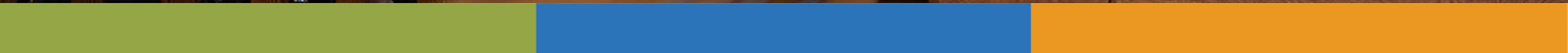
- **Age**
- **Sex**
- **Gender (including gender identity and expression)**
- **Disability**
- **Race**
- **Ethnic origin**
- **Place of origin**
- **Colour**
- **Religion**
- **Creed**
- **Citizenship**
- **Ancestry**
- **Disability**
- **Family status (including pregnancy)**
- **Marital status**
- **Sexual orientation**
- **Receipt of public assistance (in housing only)**
- **Record of offences (in employment only)**




Real Life Legal Problems

Demonstration Scenario

I applied for a new job, and I was really excited. I didn't notice that the employer has a specific dress code that prohibits head coverings of any kind. My religion requires me to cover my head, so the dress code does not work with my beliefs. The employer was very excited to meet me based on my qualifications, but soon after the interview, I was told they were no longer hiring. The dress code has nothing to do with safety and I feel that I was discriminated against based on my religion. What can I do?





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Some questions:

- Can an employer decide not to hire you based on your religious beliefs?
- Is it still discrimination if the dress code doesn't target you specifically, but rather applies equally to everyone?
- How can this person be sure that Ontario's human rights laws apply to them?
- Who can help this person figure out what to do?
- If the Human Rights Tribunal finds that the employer broke the law, what can the Tribunal do about it?



**Using the
Steps to Justice
Website**

Steps to Justice




**Steps to Justice**
Your guide to law in Ontario

HIDE THIS SITE

Français



 Legal Topics ▾ About Steps to Justice ▾ Latest Updates ▾ Embed & Share ▾



Steps to Justice

Step-by-step information about legal problems.
Reliable, practical, and easy to understand.

 Tell us what you are looking for...

Legal Topics

Abuse and Family Violence

Criminal Law

Debt and Consumer Rights

Employment and Work

Family Law

Health and Disability

Housing Law

Human Rights

Income Assistance

Tribunals and Court

 Live chat
Mon-Fri 11am-1pm





Group Work

1. Navigate to the Steps to Justice website:
<http://stepstojustice.ca>
2. Read your scenario with your group.
3. Try to identify the main legal issues.
4. Imagine that you are the person in the scenario. Use the Steps to Justice website to answer the questions on your handout.
5. As you browse, try to find out more about how the law would affect the person in your scenario. What does it say? What are their options?
6. Record your answers on the handout.

If you get stuck, ask for help!



Large Group Scenario

FOCUS AREAS:

- 1) The provision of police records to employers
- 2) Questions an employer can ask an applicant

I am a 43-year old truck driver who is looking for work. I recently had an interview with a trucking company and it was a disaster. I think some of what happened was discrimination.

For starters, I have a criminal record for theft from a long time ago. I got a record suspension last year, so before the interview, I gave the company access to my record. The interviewer brought up the crime I was pardoned for and asked for details about what happened. I was very embarrassed and flustered and I could not give him a good explanation.

I have also been caught speeding a couple of times. The interviewer said that, even though this doesn't technically count as a criminal record, it would still be a problem for a position that requires driving.

Finally, the interviewer asked me how old I was. When I told him, he responded by saying: "We are looking for young, energetic blood. Old guys like you fall asleep at the wheel."

Needless to say, I didn't get the job. Is there anything I can do about this?

