

advise you if it would be better to go to another community agency or government body such as the Canadian Human Rights Commission.

What is the Ontario Human Rights Commission?

The Ontario Human Rights Commission – the OHRC – was created in 1961 to promote, protect and advance the human rights of everyone in Ontario. The OHRC deals with systemic or “big-picture” issues and works to find and remove the root causes of discrimination.

The OHRC develops policies and provides public education, monitors human rights, does research and analysis, and conducts human rights inquiries. If there is a broad (systemic) impact on the public, the OHRC may take its own cases to the Tribunal, the courts and other boards like the Ontario Municipal Board. The OHRC may also intervene in individual cases to help clarify or advance human rights law.

Providing public education on human rights is an important part of the OHRC's work. The OHRC has developed many policies and guidelines, and publishes plain-language brochures on many human rights issues. All our publications are available on our website or can be mailed to you. You can also ask for publications in a variety of accessible formats.

OHRC staff attend and host human rights information sessions and work with employers, landlords, service providers and community groups to help them learn about their human rights and responsibilities.

For more information

For more information about your rights and responsibilities under the Ontario *Human Rights Code*, including human rights policies, guidelines and other information, visit the Ontario Human Rights Commission website at www.ohrc.on.ca
Email: info@ohrc.on.ca

To request a public education session by the OHRC, fill out the application form under “Learning” on the OHRC's website.

Check out eLearning!

Look for Human Rights 101 at www.ohrc.on.ca

To file a human rights claim (called an application) contact the Human Rights Tribunal of Ontario at:
Toll Free: 1-866-598-0322
TTY: 416-326-2027
Toll Free TTY: 1-866-607-1240
Website: www.hrto.ca

To talk about your rights or if you need legal help with a human rights application, contact the Ontario Human Rights Legal Support Centre at:
Toll Free: 1-866-625-5179
TTY Toll Free: 1-866-612-8627
Website: www.hrlsc.on.ca

Your rights may be protected by federal law, especially if you live on a reserve. Contact:
Canadian Human Rights Commission
Toll Free: 1-888-214-1090
Toll Free TTY: 1-888-643-3304
Fax: 613-996-9661
Email: info.com@chrc-ccdp.ca
Website: www.chrc-ccdp.ca

Aboriginal Legal Services of Toronto
(In Toronto only)
Telephone: 416-408-3967
Email: alst@web.ca
Website: www.aboriginallegal.ca/

Legal Aid Ontario
Toll Free: 1-800-668-8258
Fax: 416-979-8669
Email: info@lao.on.ca
Website: www.legalaid.on.ca

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Indigenous Peoples in Ontario and

the Ontario *Human Rights Code*



**Ontario
Human Rights Commission**
**Commission ontarienne des
droits de la personne**

Ontario's Human Rights Code

The Ontario *Human Rights Code* is a provincial law that gives everybody the right to be free from discrimination in five parts of society – called social areas – based on one or more grounds. The five social areas are: employment, housing, services and facilities (such as education, health care, police, government, shops or restaurants), unions and vocational associations, and contracts or agreements.

The *Code* prohibits discrimination and harassment based on 17 different personal attributes – called grounds:

- ❖ age
- ❖ ancestry
- ❖ citizenship
- ❖ colour
- ❖ creed (including Indigenous spiritual practices)
- ❖ disability
- ❖ ethnic origin
- ❖ family status
- ❖ gender identity
- ❖ gender expression
- ❖ marital status
- ❖ place of origin
- ❖ race
- ❖ receipt of public assistance (in housing only)
- ❖ record of offences (in employment only)
- ❖ sex (includes pregnancy and breastfeeding)
- ❖ sexual orientation.

Indigenous peoples in Ontario, including status, non-status, First Nations, Métis and Inuit peoples are included in these protections.

Indigenous peoples are also protected from discrimination in federally regulated employment, housing, services and facilities under the Canadian *Human Rights Act*. Examples of organizations covered by the federal law are chartered banks, airlines, federal government departments and agencies as well as First Nations governments and band councils.

What is discrimination?

Discrimination means being treated unfairly because of your race, ancestry, creed, sex or any other *Code* ground. Discrimination has many different forms. It can target one person, or a group.

It can also be a “poisoned environment,” which can happen when comments or actions based on *Code* grounds make you feel unwelcome or uncomfortable where you work, live or get services. Sometimes, it only takes one serious comment or event to poison an environment.

Discrimination can happen when no one means to discriminate. Organizations have a duty to accommodate people's needs when rules or standards negatively affect them based on *Code* grounds.

Discrimination can be indirect – which means that rules or policies may seem fair, but actually cause people to be treated differently. Discrimination may also be part of a system, in how decisions are made, or in an organization's policies, practices and culture. For example, it may be discrimination when an employment policy does not accommodate time off work to take part in a spiritual practice such as a seasonal harvest.

In another example, an employer may have very few Indigenous staff members, especially at management levels. Reasons for this might include an organizational culture that tolerates racism and harassment, or informal, word-of-mouth hiring practices that exclude Indigenous peoples.

As part of their duty to prevent discrimination, organizations must look for ways to design policies, rules, procedures, practices and spaces with everyone in mind.

The *Code* prohibits reprisal, where you are threatened, treated badly or punished for speaking out about discrimination.

What is harassment?

Harassment is a form of discrimination. It includes comments, jokes, name-calling or behaviour or display of pictures that insult or offend you. It includes any action to put you down because of your Indigenous ancestry or because of other *Code* grounds.

How do I know if what I experienced was discrimination?

To establish discrimination under the Ontario *Human Rights Code*, a person must show:

1. they have a personal attribute (ground) protected by the *Code* (an age example is a youth being followed and harassed by security in a mall)
2. they experienced negative treatment in one of the five social areas (an ancestry/race example is an Indigenous person being denied rental housing or a room in a hotel)

3. the protected personal attribute (ground) was a factor in the negative treatment (for example, when a person does not get the same level of medical care in a hospital because of stereotypes about Indigenous peoples).

Ontario's human rights system

Ontario's human rights system has three parts: the Human Rights Tribunal of Ontario, the Human Rights Legal Support Centre, and the Ontario Human Rights Commission.

If you think your rights under the *Code* have been violated, you can file a complaint (called an application) directly with the **Human Rights Tribunal of Ontario**. The Tribunal decides if your human rights have been violated and the best way to deal with your situation.

You must file complaints with the Tribunal within 12 months of the last time the discrimination took place. If you contact the Tribunal, they can also provide you with information about the status of your case, an Applicant's Guide, copies of Tribunal forms, and information about the Tribunal's procedures.

The **Human Rights Legal Support Centre** provides free human rights legal advice to people across Ontario who feel they have been discriminated against. Indigenous people may request an Indigenous lawyer. Services are available in many languages and may include advice, support and legal representation.

The Legal Support Centre can also tell you if the *Code* applies to your situation and how the complaint procedure works. The Centre will