

More Proposed Changes in Ontario; this time, in Human Rights

A private member has introduced a bill proposing the addition of four new protected grounds to the *Ontario Human Rights Code* (“Code”).

As many of you know, the Code was established in 1962 and provides protection against discrimination in employment as well as in other spheres such as housing, contracts, goods, services and facilities. It includes protected grounds such as gender, family status, religion, and colour and is amended to reflect changes in society. Each province has their own legislation, but many of the protected grounds overlap.

A private member’s bill from former human rights lawyer, Nathalie Des Rosiers, has been put forward to add new protected grounds in an effort to modernize the Code and address gaps that she says fail to protect certain marginalized groups in the province.

The proposed protected grounds (and Ms. Des Rosiers’s reasons for their inclusion) are:

1. **Genetics:** aimed at protecting individuals from being denied employment or insurance based on the medical history or ailments of their parents and/or family.
2. **Immigration Status:** this protection would be more service-based, as refugee claimants and other non-permanent residents are being required to show proof of immigration status or citizenship to receive a service (Note: eligibility to work in Canada will still be a legal requirement associated with employment).
3. **Social Condition:** this ground would include poverty, homelessness and lack of education. The inclusion of ‘social condition’ as a protected ground would prohibit discrimination against people from poorer communities and ensure they receive equal access to services and employment (subject, of course, to meeting the education requirements of the position).
4. **Police Records:** this protection is being proposed to eliminate employees and volunteers from being denied employment or placement without the employer having a clear view of the facts of the record.

Many of you are familiar with your obligations under Human Rights and understand that employment decisions are required to be made according to



the ability of the employee to meet their job requirements and without regard to any of the protected grounds in the province where the employee works (or is being considered for employment). Obviously, if the amendments are approved, it will increase the number of considerations Ontario employers will need to be mindful of when making employment decisions.

The bill is scheduled to undergo second reading in the legislature on October 26 and we will be sure to update you if and when it is passed, including how the changes may impact your workplace, policies, procedures and recruitment efforts.

If you have any questions about this proposed legislation, current Human Rights legislation, or your obligations as an employer under Human Rights, please do not hesitate to speak with an Advisor.

