

Ontario's *Human Rights Code (Code)* protects employees from being discriminated against by employers. An employer cannot treat you differently because of your race, ancestry, place of origin, skin colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity or expression, age, record of offences, marital or family status, or disability.

If you believe you have been discriminated against you can complain to the Human Rights Tribunal of Ontario (Tribunal). The Tribunal frequently hears cases about workers who experience discrimination because of their disabilities. For example, a worker gets in a car accident and hurts his back. He can still do his original job but he can't work as fast, needs to sit on a stool and needs frequent breaks to stretch out his back. His boss won't allow him to take breaks or use a stool and he notices the worker is not as productive. The employer tells the worker he can't return to work. This is a violation under the *Code*.

A "disability" can be a physical or mental disability, including workplace injuries where you have claimed or received benefits from the Workplace Safety and Insurance Board. Employers have a duty to accommodate disabilities. That means the employer must find a way to change your work so that you can do your job or another job with that employer. Your employer has to try to accommodate your disability up to the point that it would cause your employer "undue hardship."

It is easy to make a claim. If you feel your rights have been violated, you should make detailed notes of what happened and when, if there were any witnesses, and collect important documents. You should fill out an application, available on the Tribunal's website at www.hrto.ca or by calling them. Once you've applied, your employer will respond and you will have a chance to reply. If you agree, the Tribunal will schedule a mediation. If you do not settle with your employer, you will have a hearing.

There are three types of remedies that the Tribunal can order. First, financial compensation is available either as "general damages" (e.g. money to compensate you for the effect of the discrimination on your dignity) or "special damages" (e.g. money to compensate you for specific things you lost or had to pay for because of the discrimination). Second, non-financial remedies are available and could include getting your job back. Finally, your employer can also be required, for example, to provide human rights training at your workplace.

For additional help you can contact the Human Rights Legal Support Centre (www.hrlsc.on.ca) at 1-866-625-5179. If you are living on a low income, you can contact the Community Advocacy & Legal Centre for help at 1-877-966-8686. Another good place for information is at <http://yourlegalrights.on.ca/human-rights>.

Some employers are federally-regulated (such as telephone companies and airlines), so you will have to make a claim with the Canadian Human Rights Commission and different rights and remedies may apply.

Remember that all situations are different so you should speak to a lawyer or the Human Rights Legal Support Centre for advice. If you were fired from your job, you might have other legal options available to you.

This column is not intended to provide legal advice. It provides general legal information and is written by the staff of community legal clinics, student legal aid societies, volunteer local lawyers and Legal Aid Ontario. The law can change. You should contact a lawyer to determine your legal rights and obligations. If you are living on a low income, you may be eligible for free legal help from Legal Aid Ontario (criminal, family or immigration) or your local community legal clinic (income security programs, employment law, tenants' rights, consumer law, or human rights). You can reach Legal Aid Ontario at 1-800-668-8258 or visit them online at www.legalaid.on.ca. Contact the Community Advocacy & Legal Centre at 1-877-966-8686 for more information or visit www.communitylegalcentre.ca.

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