

Legal Information

Ontario's *Human Rights Code* prohibits discrimination against people on protected grounds. Discrimination is when someone treats you unfairly because of who you are. The *Code* prevents discrimination in specific social areas, including housing, employment, contracts, goods, services, and facilities, and membership in unions, trade, or professional associations.

The protected grounds in the *Human Rights Code* are:

- Age
- Ancestry, colour, race
- Citizenship
- Ethnic origin
- Place of origin
- Creed
- Disability
- Family Status
- Marital status (including single status)
- Gender identity, gender expression
- Receipt of public assistance (in housing only)
- Record of offences (in employment only)
- Sex (including pregnancy and breastfeeding)
- Sexual orientation

If someone has discriminated against you on one of the protected grounds in one of the protected areas (for example, a landlord refused to rent to you because of your race, or an employer fired you because of a disability), you can make a claim against them to the Human Rights Tribunal of Ontario (<https://tribunalsontario.ca/hrto/>).

Note: Some workplaces are governed by federal laws such as: banks, broadcasting, airlines, cross-border and inter-provincial trucking and some other transportation services. Workers that are subject to federal laws have protection under the *Canadian Human Rights Act* and can bring discrimination claims to the Canadian Human Rights Commission (CHRC) within one (1) year of the discriminatory incident or treatment. For more information & resources on bringing a human rights complaint with CHRC see their website at <https://www.chrc-ccdp.gc.ca>.

Remedies

The Human Rights Tribunal of Ontario (HRT) may resolve a complaint in several ways. The HRT may:

- Order the person who discriminated against you to pay you money for specific losses that happened because of the discrimination, such as lost wages if you lost your job
- Order the person to pay you money for injuries to your feelings, dignity, and self-respect
- Order other non-financial remedies, such as ordering an employer to give you your job back or promote you, or ordering a landlord to rent you their next available unit
- Order a public interest remedy, so that others will not experience the same kind of discrimination you did

Time Limits

A human rights application must be filed within **one (1) year** of the discrimination or the last incident of discrimination if there was a series of incidents.

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Filing a claim with the HRTO may prevent you from making claims in other places, such as Small Claims Court, for the same set of facts. You should speak with a lawyer to decide whether a human rights claim is the best choice for you.

Making Your Claim

To make a claim because your human rights have been violated, you must file an application with the HRTO. In the application, you will explain what happened to you and why you think it was a violation of the *Code*. The Tribunal will assign a mediator to help work out the complaint. If the mediation does not resolve your matter, there will be a hearing and the Tribunal will make a decision.

You can get the application at the HRTO website at <https://tribunalsontario.ca/hrto/forms-filing/>. The application can be completed on your computer.

The Human Rights Legal Support Centre has created how-to guides and compiled frequently asked questions about the application at <https://hrlsc.on.ca/how-to-guides/>. If you need information or help filing your application, you can get help from legal clinics like CALC, or from the HRLSC:

Human Rights Legal Support Centre:	https://hrlsc.on.ca/homepage/
Tel: 416-597-4900	TTY (for the Deaf): 416-597-4903
Toll Free: 1-866-625-5179	TTY Toll Free: 1-866 612-8627

Reconsideration

If you are unhappy with the Tribunal's decision, you can ask the Tribunal to reconsider if you can show:

- New evidence or facts have come to light that were not available before that would affect the Tribunal's decision,
- You did not receive notice of the hearing and were not able to participate, or
- The decision departed significantly from previous HRTO decisions.

You have 30 days from the decision to request a reconsideration, but you may be able to make a request after this deadline if you explain to the Tribunal why you were late. You can only file a reconsideration request for final decision of the Tribunal.

Additional Resources:

- Ontario Human Rights Commission: www.ohrc.on.ca
- Steps to Justice – Human Rights: <https://stepstojustice.ca/legal-topic/human-rights/>

IMPORTANT: THIS TIP SHEET IS FOR INFORMATION PURPOSES ONLY AND IS **NOT** LEGAL ADVICE.

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158 George Street, Level 1	Tel: 613-966-8686
Belleville, Ontario	Toll Free: 1-877-966-8686
K8N 3H2	Fax: 613-966 6251