Discrimination – Know The Laws Of Your Province



Discrimination regulations are essential for promoting equality and fairness in the workplace. These regulations require **employers** to prevent discriminatory practices based on prohibited grounds such as race, gender, age, and disability. **Employers must** ensure equal treatment in hiring, compensation, promotions, and other employment practices while providing accommodation for employees' special needs when necessary. This includes offering a work environment free from harassment and retaliation, as well as addressing systemic discrimination. While the core principles of anti-discrimination laws apply nationwide, specific rules may vary by jurisdiction to cater to local circumstances. Adherence to these regulations helps create inclusive workplaces, fosters employee well-being, and reduces the risk of legal consequences.

FEDERAL

Under the Canadian Human Rights Act, **Part I (Sections 3 to 24)** prohibits discrimination based on various grounds, including race, sex, age, disability, and more. Key provisions address equal access to goods, services, employment, wages, and accommodation. **Part III (Sections 39 to 40(5))** outlines the process for filing and handling complaints about discriminatory practices. Exceptions apply only for bona fide justifications.

Part I – Proscribed Discrimination – General

Prohibited Grounds of Discrimination

(1) For all purposes of this Act, the prohibited grounds of discrimination are race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability and conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

(2) Where the ground of discrimination is pregnancy or childbirth, the discrimination **shall** be deemed to be on the ground of sex.

(3) Where the ground of discrimination is refusal of a request to undergo a genetic

test or to disclose, or authorize the disclosure of, the results of a genetic test, the discrimination **shall** be deemed to be on the ground of genetic characteristics. **Section 3(1) to (3).**

Multiple Grounds of Discrimination

For greater certainty, a discriminatory practice includes a practice based on one or more prohibited grounds of discrimination or on the effect of a combination of prohibited grounds. **Section 3.1.**

Orders Regarding Discriminatory Practices

A discriminatory practice, as described in sections 5 to 14.1, may be the subject of a complaint under Part III and anyone found to be engaging or to have engaged in a discriminatory practice may be made subject to an order as provided in section 53. **Section 4.**

Discriminatory Practices

Denial of Goods, Service, Facility, or Accommodation

It is a discriminatory practice in the provision of goods, services, facilities or accommodation customarily available to the general public:

(a) to deny, or to deny access to, any such good, service, facility or accommodation to any individual, or

(b) to differentiate adversely in relation to any individual, on a prohibited grounds of discrimination. **Section 5.**

Denial of Commercial Premises or Residential Accommodation

It is a discriminatory practice in the provision of commercial premises or residential accommodation:

(a) to deny occupancy of such premises or accommodation to any individual, or

(b) to differentiate adversely in relation to any individual, on a prohibited ground of discrimination. **Section 6.**

Employment

It is a discriminatory practice, directly or indirectly,

(a) to refuse to employ or continue to employ any individual, or

(b) in the course of employment, to differentiate adversely in relation to an employee, on a prohibited grounds of discrimination. **Section 7.**

Employment Applications, Advertisements

It is a discriminatory practice:

(a) to use or circulate any form of application for employment, or

(b) in connection with employment or prospective employment, to publish any advertisement or to make any written or oral inquiry that expresses or implies any limitation, specification or preference based on a prohibited ground of discrimination. **Section 8.**

Employee **organizations:**

(1) It is a discriminatory practice for an employee organization on a prohibited grounds of discrimination:

(a) to exclude an individual from full membership in the organization;

(b) to expel or suspend a member of the organization; or

(c) to limit, segregate, classify or otherwise act in relation to an individual in a way that would deprive the individual of employment opportunities, or limit employment opportunities or otherwise adversely affect the status of the individual, where the individual is a member of the organization or where any of the obligations of the organization pursuant to a collective agreement relate to the individual. **Section 9.**

Discriminatory Policy or Practice

It is a discriminatory practice for an **employer**, employee organization or **employer** organization:

(a) to establish or pursue a policy or practice, or

(b) to enter into an agreement affecting recruitment, referral, hiring, promotion, training, apprenticeship, transfer or any other matter relating to employment or prospective employment, that deprives or tends to deprive an individual or class of individuals of any employment opportunities on a prohibited ground of discrimination. **Section 10(a)(b).**

For more information:

- Equal wages. **Section 11(1) to (7).**
- Publication of discriminatory notices, etc. **Section 12.**
- Harassment, Sexual harassment, Retaliation, Exceptions. **Sections 14(1)(2), 14.1, 15(1)(a) to (g).**
- Certain provisions not discriminatory. **Section 20.**
- Funds and plans. **Section 21.**
- **Sections 22, 23.**
- Accessibility standards. **Section 24(1).**
- Effect of meeting accessibility standards. **Section 24(2).**
- Publication of proposed regulations. **Section 24(3).**
- **Section 24(4).**
- Discriminatory practice not constituted by variance from standards. **Section 24(5).**
- PART III – Discriminatory Practices and General Provisions. **Section 39 to 40(5).**

Further details on the Canadian Human Rights Act can be found at *laws-lois.justice.gc.ca*.

ALBERTA

Under the **Alberta Human Rights Act** – **Section 3(1) to 3(3)**, **4**, **5(1) to 5(5)**, **6** to **9**, **10(1) to 10(2)**, and **11**, **employers** and organizations are prohibited from discriminating against individuals based on factors such as race, gender, disability, sexual orientation, and more. **Employers must** ensure that their practices are free from discrimination in terms of hiring, employment conditions, and pay (Sections 6

and 7), and they **must** avoid discriminatory practices in goods, services, accommodation, and tenancy (Sections 4 and 5). **Employers must** also be mindful of retaliation prohibitions (Section 10) and take steps to prevent harassment or exclusion.

Code of Conduct

Discrimination re: Publications, Notices

(1) No person **shall** publish, issue or display or cause to be published, issued or displayed before the public any statement, publication, notice, sign, symbol, emblem or other representation that:

(a) indicates discrimination or an intention to discriminate against a person or a class of persons, or

(b) is likely to expose a person or a class of persons to hatred or contempt because of the race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation of that person or class of persons.

(2) Nothing in this section **shall** be deemed to interfere with the free expression of opinion on any subject.

(3) Subsection (1) does not apply to:

(a) the display of a notice, sign, symbol, emblem or other representation displayed to identify facilities customarily used by one gender,

(b) the display or publication by or on behalf of an organization that:

(i) is composed exclusively or primarily of persons having the same political or religious beliefs, ancestry or place of origin, and

(ii) is not operated for private profit, of a statement, publication, notice, sign, symbol, emblem, or other representation indicating a purpose or membership qualification of the organization, or

(c) the display or publication of a form of application or an advertisement that may be used, circulated or published pursuant to section 8(2), if the statement, publication, notice, sign, symbol, emblem or other representation is not derogatory, offensive or otherwise improper. **Section 3(1) to (3).**

Discrimination re: Goods, Services, Accommodation, Facilities

No person **shall:**

(a) deny to any person or class of persons any goods, services, accommodation, or facilities that are customarily available to the public, or

(b) discriminate against any person or class of persons with respect to any goods, services, accommodation or facilities that are customarily available to the public, because of the race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation of that person or class of persons or of any other person or class of persons. **Section 4(a)(b).**

Equal Pay

(1) Where employees of both sexes perform the same or substantially similar work for an **employer** in an establishment the **employer shall** pay the employees at the same rate of pay.

(2) No **employer shall** reduce the rate of pay of an employee in order to comply with this section.

(3) When an employee is paid less than the rate of pay to which the employee is entitled under this section, the employee is entitled to recover from the **employer** by action the difference between the amount paid and the amount to which the employee was entitled, together with costs, but:

(a) the action **must** be commenced within 12 months from the date on which the cause of action arose and not afterwards,

(b) the action applies only to the wages of an employee during the 12-month period immediately preceding the termination of the employee's services or the commencement of the action, whichever occurs first,

(c) the action may not be commenced or proceeded with when the employee has made a complaint to the Commission in respect of the contravention of this section, and

(d) no complaint by the employee in respect of the contravention **shall** be acted on by the Commission when an action has been commenced by the employee under this section. **Section 6(1) to (3).**

For more information:

- Discrimination re: tenancy. **Section 5(1) to (5).**
- **Section 5.1.**
- Discrimination re employment practices. **Section 7(1) to (3).**
- Applications and advertisements re: employment. **Section 8(1)(2).**
- Membership in trade union, etc. **Section 9.**
- Prohibitions regarding complaints. **Section 10(1)(2).**
- Reasonable and justifiable contravention. **Section 11.**

Further details on the Alberta Human Rights Act can be found at albertahumanrights.ab.ca.

BRITISH COLUMBIA

Under the **Human Rights Code** – **Sections 7(1)(2), 8(1)(2), 9, 10(1)(2), 11, 12(1) to (5), 13(1) to (4), 14,** and **47.12, employers** are **required** to ensure non-discriminatory practices in employment, accommodation, services, and property transactions. They **must** not discriminate based on factors such as race, gender, disability, or sexual orientation. **Employers** are also responsible for fair wages and job advertisements. The commissioner has the authority to promote human rights, identify discriminatory practices, and recommend policy changes.

Discriminatory Publication

(1) A person **must** not publish, issue or display, or cause to be published, issued or displayed, any statement, publication, notice, sign, symbol, emblem, or other representation that:

(a) indicates discrimination or an intention to discriminate against a person or a

group or class of persons, or

(b) is likely to expose a person or a group or class of persons to hatred or contempt because of the Indigenous identity, race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age of that person or that group or class of persons.

(2) Subsection (1) does not apply to a private communication, communication intended to be private, or communication related to an activity otherwise permitted by this Code. **Section 7(1)(2).**

Discrimination in Accommodation, Service, and Facility

(1) A person **must** not, without a bona fide and reasonable justification,

(a) deny to a person or class of persons any accommodation, service or facility customarily available to the public, or

(b) discriminate against a person or class of persons regarding any accommodation, service or facility customarily available to the public because of the Indigenous identity, race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age of that person or class of persons.

(2) A person does not contravene this section by discriminating:

(a) on the basis of sex, if the discrimination relates to the maintenance of public decency or to the determination of premiums or benefits under contracts of life or health insurance, or

(b) on the basis of physical or mental disability or age, if the discrimination relates to the determination of premiums or benefits under contracts of life or health insurance. **Section 8(1)(2).**

Discrimination in Purchase of Property

A person **must** not:

(a) deny to a person or class of persons the opportunity to purchase a commercial unit or dwelling unit that is in any way represented as being available for sale,

(b) deny to a person or class of persons the opportunity to acquire land or an interest in land, or

(c) discriminate against a person or class of persons regarding a term or condition of the purchase or other acquisition of a commercial unit, dwelling unit, land or interest in land because of the Indigenous identity, race, colour, ancestry, place of origin, religion, marital status, physical or mental disability, sex, sexual orientation, or gender identity or expression of that person or class of persons. **Section 9(a) to (c).**

Discrimination in Employment Advertisements

A person **must** not publish or cause to be published an advertisement in connection with employment or prospective employment that expresses a limitation, specification or preference as to Indigenous identity, race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental

disability, sex, sexual orientation, gender identity or expression, or age unless the limitation, specification or preference is based on a bona fide occupational requirement. **Section 11.**

Discrimination in Employment

(1) A person **must** not:

(a) refuse to employ or refuse to continue to employ a person, or

(b) discriminate against a person regarding employment or any term or condition of employment because of the Indigenous identity, race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age of that person or because that person has been convicted of a criminal or summary conviction offence that is unrelated to the employment or to the intended employment of that person.

(2) An employment agency **must** not refuse to refer a person for employment for any reason mentioned in subsection (1).

(3) Subsection (1) does not apply:

(a) as it relates to age, to a bona fide scheme based on seniority, or

(b) as it relates to marital status, physical or mental disability, sex or age, to the operation of a bona fide retirement, superannuation or pension plan or to a bona fide group or employee insurance plan, whether or not the plan is the subject of a contract of insurance between an insurer and an **employer**.

(4) Subsections (1) and (2) do not apply with respect to a refusal, limitation, specification or preference based on a bona fide occupational requirement. **Section 13(1)(a)(b), (2)(4).**

For more information:

- Discrimination in tenancy premises. **Section 10(1)(2).**
- Discrimination in wages. **Section 12(1) to (5).**
- Discrimination by unions and associations. **Section 14.**
- Powers of commissioner. **Section 47.12(1)(2).**

Further details on the Human Rights Code can be found at *bclaws.gov.bc.ca*.

MANITOBA

Under **Part II of the Human Rights Code – Sections 9(1) to (4), 10** to **13(1)(2), 14(1) to 14(6), 15(1), 16(1)(2), 17**, and **18**, discrimination is prohibited in various aspects including employment, services, contracts, property transactions, and public communications. Discrimination based on factors like race, gender, age, disability, and more is not allowed unless there is a legitimate, bona fide reason. Special programs, reasonable accommodations, and affirmative actions are permitted under certain conditions. **Employers**, property owners, and organizations are held accountable for ensuring equal treatment and providing accommodations as **required** by law.

Part II – Prohibited Conduct and Special Programs

“Discrimination” Defined

(1) In this Code, “**discrimination**” means:

(a) differential treatment of an individual on the basis of the individual’s actual or presumed membership in or association with some class or group of persons, rather than on the basis of personal merit; or

(b) differential treatment of an individual or group on the basis of any characteristic referred to in subsection (2); or

(c) differential treatment of an individual or group on the basis of the individual’s or group’s actual or presumed association with another individual or group whose identity or membership is determined by any characteristic referred to in subsection (2); or

(d) failure to make reasonable accommodation for the special needs of any individual or group, if those special needs are based upon any characteristic referred to in subsection (2). **Section 9(1).**

Interpretation

In this Code, “**discrimination**” includes any act or omission that results in discrimination within the meaning of subsection (1), regardless of:

(a) the form of the act or omission; and

(b) whether the person responsible for the act or omission intended to discriminate. **Section 9 (1.1).**

Applicable Characteristics

(2) The applicable characteristics for the purposes of clauses (1)(b) to (d) are:

(a) ancestry, including colour and perceived race;

(b) nationality or national origin;

(c) ethnic background or origin;

(d) religion or creed, or religious belief, religious association or religious activity;

(e) age;

(f) sex, including sex-determined characteristics or circumstances, such as pregnancy, the possibility of pregnancy, or circumstances related to pregnancy;

(g) gender identity;

(h) sexual orientation;

(i) marital or family status;

(j) source of income;

(k) political belief, political association or political activity;

(l) physical or mental disability or related characteristics or circumstances,

including reliance on a service animal, a wheelchair, or any other remedial appliance or device;

(m) social disadvantage. **Section 9(2).**

Discrimination on Basis of Social Disadvantage

(2.1) It is not discrimination on the basis of social disadvantage unless the discrimination is based on a negative bias or stereotype related to that social disadvantage. **Section 9(2.1).**

Systemic Discrimination

(3) Interrelated actions, policies or procedures of a person that do not have a discriminatory effect when considered individually can constitute discrimination under this Code if the combined operation of those actions, policies or procedures results in discrimination within the meaning of subsection (1). **Section 9(3).**

Affirmative Action, etc. Permitted

Notwithstanding any other provision of this Code, it is not discrimination, a contravention of this Code, or an offence under this Code:

(a) to make reasonable accommodation for the special needs of an individual or group, if those special needs are based upon any characteristic referred to in subsection 9(2); or

(b) to plan, advertise, adopt or implement an affirmative action program or other special program that:

(i) has as its object the amelioration of conditions of disadvantaged individuals or groups, including those who are disadvantaged because of any characteristic referred to in subsection 9(2), and

(ii) achieves or is reasonably likely to achieve that object. **Section 11.**

For more information:

- Criminal conduct excluded. **Section 9(4).**
- Acts of officers and employees. **Section 10(a)(b).**
- Reasonable accommodation required. **Section 12.**
- Discrimination in service, accommodation, etc. **Section 13(1).**
- Exception for age of majority. **Section 13(2).**
- Discrimination in employment. **Section 14(1).**
- Discrimination by employment agencies, etc. **Section 14(5).**
- Discrimination by organizations, etc. **Section 14(6).**
- Discrimination in contracts. **Section 15(1).**
- Discrimination in rental of premises. **Section 16(1).**
- Discriminatory signs and statements. **Section 18.**

Further details on The Human Rights Code can be found at *web2.gov.mb.ca*.

NEW BRUNSWICK

Under **Part II of the Human Rights Act – Sections 2.1 to 11**, discrimination based on prohibited grounds such as race, sex, disability, sexual orientation, and others is prohibited in various sectors including employment, housing, services, and

associations. Specific exceptions allow for qualifications or requirements based on bona fide reasons. Discriminatory practices related to job applications, property transactions, public accommodation, and professional organizations are not allowed. Special provisions apply in cases of social conditions, and protections are in place for individuals who make complaints or participate in investigations.

Prohibited Grounds of Discrimination

For the purposes of this Act, the prohibited grounds of discrimination are:

(a) race,

(b) colour,

(c) national origin,

(d) ancestry,

(e) place of origin,

(f) creed or religion,

(g) age,

(h) physical disability,

(i) mental disability,

(j) marital status,

(k) family status,

(l) sex,

(m) sexual orientation,

(n) gender identity or expression,

(o) social condition, and

(p) political belief or activity. **Section 2.1.**

Exceptions

Despite any provision of this Act, a limitation, specification, exclusion, denial or preference on the basis of a prohibited ground of discrimination is not a discriminatory practice if the Commission has determined that it is based on a bona fide requirement or qualification that justifies the difference. **Section 2.2.**

Discrimination in Employment

No person **shall**, based on a prohibited ground of discrimination,

(a) refuse to employ or continue to employ any person, or

(b) discriminate against any person in respect of employment or any term or condition of employment. **Section 4(1).**

No employment agency **shall** discriminate against a person seeking employment based on a prohibited ground of discrimination. **Section 4(2).**

No trade union or **employers'** organization **shall**, based on a prohibited ground of discrimination,

(a) exclude any person from full membership,

(b) expel, suspend, or otherwise discriminate against any of its members, or

(c) discriminate against any person in respect of his or her employment by an **employer. Section 4(3).**

No person **shall** express either directly or indirectly a limitation, specification or preference, or require an applicant to furnish any information as to a prohibited ground of discrimination, in respect of:

(a) the use or circulation of a form of application for employment,

(b) the publication of an advertisement in connection with employment or causing its publication, or

(c) an oral or written inquiry in connection with employment. **Section 4(4).**

Discrimination in Accommodation and Services

(1) No person, directly or indirectly, alone or with another, by himself, herself or itself or by the interposition of another, **shall**, based on a prohibited ground of discrimination,

(a) deny to any person or class of persons any accommodation, services or facilities available to the public, or

(b) discriminate against any person or class of persons with respect to any accommodation, services or facilities available to the public. **Section 6(1).**

For more information:

- Discrimination in housing and sale of property. **Section 5(1)(2)(3)(5).**
- Discriminatory notices or signs. **Section 7(1).**
- Discrimination by a professional, business or trade association. **Section 8(1)(2).**
- Discrimination for complaint Discrimination. **Section 11.**

Further details on Further details on the Human Rights Act can be found at *laws.gnb.ca*.

NEWFOUNDLAND & LABRADOR

Under **Sections 49 to 52 of the Occupational Health and Safety Act**, **employers** and unions are prohibited from taking discriminatory actions against workers for participating in safety committees, testifying in safety proceedings, providing information to safety authorities, or refusing unsafe work. If disciplinary action or dismissal occurs under these circumstances, it is considered discriminatory unless proven otherwise. Workers alleging discrimination can follow a grievance procedure or apply to the board for a determination. If the action is found discriminatory, the board may order the worker's reinstatement, payment of lost wages, and removal of records related to the disciplinary action.

Discriminatory Action Prohibited

An **employer** or union **shall** not take a discriminatory action against a worker by dismissing the worker or by deducting wages, salary or other benefits, or by taking other disciplinary action against the worker:

(a) because of the worker's participation in or association with the committee, worker health and safety representative or workplace health and safety designate at the workplace, or because the worker is a worker health and safety representative or workplace health and safety designate;

(b) because the worker has testified or is about to testify in a proceeding or inquiry under this Act or regulations;

(c) because the worker has given information to the Workplace, Health, Safety and Compensation Commission, an officer or another person concerned with the administration of the Act or the regulations concerning the health, safety and welfare of workers at the workplace; or

(d) because the worker has reasonably refused to work in accordance with section 45. **Section 49(a) to (d).**

Discrimination

Where disciplinary action is taken against a worker or the worker is dismissed following an act by the worker under section 49, the disciplinary action or dismissal **shall** be considered to be, in the absence of evidence to the contrary, discriminatory. **Section 50.**

Allegation of Discrimination

(1) Where a worker alleges that the worker's **employer** has taken discriminatory action against the worker for a reason set out in section 49, the worker may,

(a) where a collective agreement is in force between a union, of which a worker who alleges discrimination is a member, and the **employer**, and the collective agreement provides for the use of a grievance procedure where discrimination is alleged, follow that grievance procedure; or

(b) apply to the board for a determination as to whether the action was discriminatory.

(2) Where a worker alleges that the worker's union has taken discriminatory action against the worker for a reason set out in section 49, the worker may apply to the board for a determination as to whether the action was discriminatory. **Section 51(1)(2).**

Remedies

(1) Where the board makes a finding that an action was discriminatory it:

(a) **shall** order the **employer** to reinstate the worker under the same terms and conditions under which the worker was formerly employed;

(b) **shall** order the **employer** to pay or make up to the worker lost wages, salary and other benefits;

(c) **shall** order that a reference to the dismissal or disciplinary action on the **employer**'s records be deleted; and

(d) **shall** order the reinstatement of the worker to the worker's trade union where the

worker has been expelled by the union.

(2) Where an order is made under this section or section 33 and is filed with the Supreme Court that order is enforceable as if it were a judgment or order of the Supreme Court. **Section 52(1)(2).**

Further details on the *Occupational Health and Safety Act* can be found at *assembly.nl.ca*.

NOVA SCOTIA

The Human Rights Act – Sections 4 to 11 prohibits discrimination in areas like services, accommodation, employment, and membership based on factors like age, race, gender, and disability. **Employers must** ensure they do not discriminate in hiring, job conditions, or dismissals, and **must** avoid retaliation against employees who file complaints. Exceptions apply for religious organizations and bona fide qualifications. **Employers** are responsible for fostering a fair and inclusive environment in the workplace.

Part I – Discrimination Prohibited

Meaning of Discrimination

For the purpose of this Act, a person discriminates where the person makes a distinction, whether intentional or not, based on a characteristic, or perceived characteristic, referred to in clauses (h) to (v) of subsection (1) of Section 5 that has the effect of imposing burdens, obligations or disadvantages on an individual or a class of individuals not imposed upon others or which withholds or limits access to opportunities, benefits and advantages available to other individuals or classes of individuals in society. **Section 4.**

Prohibition of Discrimination

(1) No person **shall** in respect of:

(a) the provision of or access to services or facilities;

(b) accommodation;

(c) the purchase or sale of property;

(d) employment;

(e) volunteer public service;

(f) a publication, broadcast or advertisement;

(g) membership in a professional association, business or trade association, **employers**' organization or employees' organization, discriminate against an individual or class of individuals on account of

(h) age;

(i) race;

(j) colour;

(k) religion;

(l) creed;

(m) sex;

(n) sexual orientation;

(na) gender identity;

(nb) gender expression;

(o) physical disability or mental disability;

(p) an irrational fear of contracting an illness or disease;

(q) ethnic, national or aboriginal origin;

(r) family status;

(s) marital status;

(t) source of income;

(u) political belief, affiliation, or activity;

(v) that individual’s association with another individual or class of individuals having characteristics referred to in clauses (h) to (u).

(2) No person **shall** sexually harass an individual.

(3) No person **shall** harass an individual or group with respect to a prohibited ground of discrimination. **Section 5(1) to (3).**

Employment

(1) No employment agency **shall** accept an inquiry in connection with employment from an **employer** or a prospective employee that, directly or indirectly, expresses a limitation, specification or preference or invites information as to a characteristic referred to in clauses (h) to (v) of subsection (1) of Section 5, and no employment agency **shall** discriminate against an individual on account of such a characteristic.

(2) No person **shall** use or circulate a form of application for employment or publish an advertisement in connection with employment or prospective employment or make an inquiry in connection with employment that, directly or indirectly, expresses a limitation, specification or preference or invites information as to a characteristic referred to in clauses (h) to (v) of subsection (1) of Section 5.

(3) The exceptions referred to in Section 6 apply mutatis mutandis to subsections (1) and (2). **Section 8(1) to (3).**

Prohibition of Retaliation

No person **shall** evict, discharge, suspend, expel or otherwise retaliate against any person on account of a complaint or an expressed intention to complain or on account of evidence or assistance given in any way in respect of the initiation, inquiry or prosecution of a complaint or other proceeding under this Act. **Section 11.**

For more information:

- **Section 6(a) to (i).**
- **Section 7(1)(2).**
- Exemption by Commission. **Section 9.**
- Void regulation. **Section 10(1)(2).**

Further details on the Human Rights Act can be found at *nslegislature.ca*.

NORTHWEST TERRITORIES

The Human Rights Act – **Sections 5-14** prohibit discrimination on various grounds, including race, gender, disability, sexual orientation, and pregnancy. **Employers must** not refuse employment, discriminate in terms or conditions, or set discriminatory hiring criteria. Equal pay for equal work is **required** regardless of prohibited grounds. **Employers** and organizations cannot exclude or discriminate against individuals based on these grounds. Discrimination is also prohibited in providing goods, services, accommodation, and tenancy. Harassment, as defined by unwelcome conduct or comments, is prohibited in these contexts as well. **Employers** have a responsibility to ensure an inclusive, non-discriminatory environment.

Part 2 – Prohibitions

Prohibited Grounds of Discrimination and Intent

(1) For the purposes of this Act, the prohibited grounds of discrimination are race, colour, ancestry, nationality, ethnic origin, place of origin, creed, religion, age, disability, sex, sexual orientation, gender identity or expression, marital status, family status, family affiliation, political belief, political association, social condition and a conviction that is subject to a pardon or record suspension.

Pregnancy

(2) Whenever this Act protects an individual from discrimination on the basis of sex, the protection includes, without limitation, the protection of a female from discrimination on the basis that she is or may become pregnant.

Disability

(2.1) Whenever this Act protects an individual from discrimination on the basis of disability, the protection includes the protection of an individual from discrimination on the basis that he or she:

(a) has or has had a disability;

(b) is believed to have or have had a disability; or

(c) has or is believed to have a predisposition to developing a disability.

Multiple Grounds, Association

(3) Whenever this Act protects an individual from discrimination on the basis of a prohibited ground of discrimination, it also protects the individual from discrimination on the basis of:

(a) two or more prohibited grounds of discrimination or the effect of a combination of prohibited grounds; and

(b) the individual’s association or relationship, whether actual or presumed, with an

individual or class of individuals identified by a prohibited ground of discrimination. **Section 5(1) to (3).**

Intent

Discrimination in contravention of this Act does not require an intention to discriminate. **Section 6.**

Employment

(1) No person **shall**, on the basis of a prohibited ground of discrimination,

(a) refuse to employ or refuse to continue to employ an individual or a class of individuals; or

(b) discriminate against any individual or class of individuals in regard to employment or any term or condition of employment. **Section 7(1)(a)(b).**

Employment Applications and Advertisements

(1) No person **shall:**

(a) use or circulate any form of application for employment,

(b) publish any advertisement in connection with employment, or

(c) make any written or oral inquiry of an applicant, that

(d) expresses or implies any limitation, specification or preference indicating discrimination against any individual or class of individuals on the basis of a prohibited ground of discrimination, or

(e) requires an applicant to provide any information about the applicant in respect of a prohibited ground of discrimination. **Section 8(1)(a) to (d).**

Equal Pay

(1) Where employees employed in the same establishment perform the same or substantially similar work for an **employer**, no person **shall**, on the basis of a prohibited ground of discrimination, discriminate against any such employee by paying the employee, or by causing or contributing to the employee being paid, at a rate of pay less than the rate paid to the other such employees. **Section 9(1).**

Harassment

(1) No person **shall**, on the basis of a prohibited ground of discrimination, harass any individual or class of individuals:

(a) in the provision of goods, services, facilities or accommodation;

(b) in the provision of commercial premises or residential accommodation; or

(c) in matters related to employment.

Definition: “Harass”

(2) In subsection (1), “harass”, in respect of an individual or class of individuals, means engage in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome by the individual or class. **Section 14(1)(2).**

For more information:

- Membership in organizations. **Section 10(1).**
- Goods, services, accommodation, and facilities. **Section 11(a)(b).**
- Discrimination respecting tenancy. **Section 12.**
- Statements, notices, signs, symbols, emblems and other representations. **Section 13(1)(a) to (c).**

Further details on the Human Rights Act can be found at *justice.gov.nt.ca*.

NUNAVUT

In Nunavut, **employers** are **required** to prevent and address discrimination in the workplace under the **Human Rights Act**, **Sections 7 to 15**. These sections prohibit discrimination in employment, hiring, promotions, advertising, associations, service provision, and tenancy based on protected grounds such as race, sex, age, disability, religion, and more. **Employers must** ensure that workplace decisions are free from bias and that accommodation is provided unless it causes undue hardship.

Part 2 – Prohibitions

Prohibited Grounds of Discrimination

(1) For the purposes of this Act, the prohibited grounds of discrimination are race, colour, ancestry, ethnic origin, citizenship, place of origin, creed, religion, age, disability, sex, sexual orientation, gender identity, gender expression, marital status, family status, pregnancy, lawful source of income and a conviction for which a pardon has been granted.

Affirmative Action Programs

(2) Nothing in this Act precludes any law, program or activity that has as its objective the amelioration of conditions of disadvantaged individuals or groups, including those who are disadvantaged because of any characteristic referred to in subsection (1), and that achieves or is likely to achieve that objective.

Previously Approved Programs

(3) Any program designed to promote the welfare of any class of individuals that was approved under section 9 of the Fair Practices Act, R.S.N.W.T. 1988, c.F-2, is deemed, for the purposes of subsection (1), to be a program that has as its objective the amelioration of conditions of disadvantaged individuals or groups and that achieves or is likely to achieve that objective.

Pregnancy and Adoption

(4) Whenever this Act protects an individual from discrimination on the basis of sex, the protection includes, without limitation,

(a) the protection of a female from discrimination on the basis that she may become pregnant or may adopt a child; and

(b) the protection of a male from discrimination on the basis that he may adopt a child.

Multiple Grounds, Association

(5) Whenever this Act protects an individual from discrimination on the basis of a prohibited ground of discrimination, it also protects the individual from discrimination on the basis of:

(a) two or more prohibited grounds of discrimination or the effect of a combination of prohibited grounds; and

(b) the individual's association or relationship, whether actual or perceived, with an individual or class of individuals identified by a prohibited ground of discrimination.

Harassment

(6) No person **shall**, on the basis of a prohibited ground of discrimination, harass any individual or class of individuals:

(a) in the provision of goods, services, facilities or contracts;

(b) in the provision of commercial premises or residential accommodation;

(c) in matters related to employment; or

(d) in matters related to membership in an employees' organization, trade union, trade association, occupational or professional association or society, **employers**' organization or co-operative association or organization. **Section 7(1) to (6).**

Intent

Discrimination on the basis of one or more prohibited grounds is a contravention of this Act whether or not there is an intention to discriminate. **Section 8.**

Employment

(1) No person **shall**, on the basis of a prohibited ground of discrimination,

(a) refuse to employ or refuse to continue to employ an individual or a class of individuals; or

(b) discriminate against any individual or class of individuals in regard to employment or any term or condition of employment, whether the term or condition was prior to or is subsequent to the employment.

Retirement, Pension, and Insurance Plans

(2) In respect of the age and marital status of an individual or a class of individuals, subsection (1) does not affect the operation of any genuine retirement or pension plan, or the terms and conditions of any genuine group or employee insurance plan.

Genuine Retirement or Pension Plan

(3) For the purposes of subsection (2), a genuine retirement or pension plan is one that is established in accordance with an Act of Canada or Nunavut.

Justified Occupational Requirement

(4) Subsection (1) does not apply with respect to a practice based on a justified occupational requirement.

Duty to Accommodate

(5) When a practice referred to in subsection (1) results in discrimination, in order for it to be considered to be based on a justified occupational requirement, it **must** be established that accommodation of the needs of an individual or class of individuals affected would impose undue hardship on a person who would have to accommodate those needs.

Exception

(6) It is not a contravention of subsection (1) for an organization, society or corporation to give preference in employment to an individual or class of individuals if the preference is solely related to the special objects in respect of which the organization, society or corporation was established and the organization, society or corporation:

(a) is a not for profit organization, society or corporation; and

(b) is:

(i) a charitable, educational, fraternal, religious, athletic, social or cultural organization, society or corporation, or

(ii) an organization, society or corporation operated primarily to foster the welfare of a religious or racial group.

Personal Services in Private Residence

(7) For the purposes of this section and section 10, it is a justified occupational requirement where, in choosing a person to provide personal services in a private residence, the **employer** discriminates for the genuine purpose of fostering or maintaining a desired environment within the residence, if there is otherwise no contravention of this Act in the employment relationship. **Section 9(1) to (7).**

For more information:

- Employment applications and advertisements.
- Organization and Associations.
- Goods, Services, Facilities, or Contracts.
- Discrimination regarding tenancy.
- Discharge, Suspension, and Intimidation.

Further details on the Human Rights Act can be found at nunavutlegislation.ca.

ONTARIO

Under the **Ontario Human Rights Code** – **Sections 1 to 26**, **employers must** ensure equal treatment in employment, services, and accommodation, prohibiting discrimination on grounds such as race, sex, disability, and age. **Employers** are **required** to protect employees from discrimination related to pregnancy, past disabilities, and associations with others identified by a prohibited ground. They **must** also ensure equal treatment in employee benefits, pensions, and superannuation plans.

PART I – FREEDOM FROM DISCRIMINATION

Services

Every person has a right to equal treatment with respect to services, goods and facilities, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability. **Section 1.**

Accommodation

(1) Every person has a right to equal treatment with respect to the occupancy of accommodation, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, disability or the receipt of public assistance. **Section 2(1).**

Contracts

Every person having legal capacity has a right to contract on equal terms without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability. **Section 3.**

Accommodation of Person Under Eighteen

(1) Every sixteen or seventeen year old person who has withdrawn from parental control has a right to equal treatment with respect to occupancy of and contracting for accommodation without discrimination because the person is less than eighteen years old. **Section 4(1).**

Employment

(1) Every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability. **Section 5(1).**

Vocational Associations

Every person has a right to equal treatment with respect to membership in any trade union, trade or occupational association or self-governing profession without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability. **Section 6.**

Part II – Interpretation and Application

Pregnancy

(2) The right to equal treatment without discrimination because of sex includes the right to equal treatment without discrimination because a woman is or may become pregnant. **Section 6(2).**

Past and Presumed Disabilities

(3) The right to equal treatment without discrimination because of disability includes the right to equal treatment without discrimination because a person has or has had a disability or is believed to have or to have had a disability. **Section 6(3).**

Constructive Discrimination

(1) A right of a person under Part I is infringed where a requirement, qualification or factor exists that is not discrimination on a prohibited ground but that results in the exclusion, restriction or preference of a group of persons who are identified by a prohibited ground of discrimination and of whom the person is a member, except where,

(a) the requirement, qualification or factor is reasonable and *bona fide* in the circumstances; or

(b) it is declared in this Act, other than in section 17, that to discriminate because of such ground is not an infringement of a right. **Section 11(1)(a)(b).**

Discrimination Because of Association

A right under Part I is infringed where the discrimination is because of relationship, association or dealings with a person or persons identified by a prohibited ground of discrimination. **Section 12.**

Age Sixty-Five or Over

A right under Part I to non-discrimination because of age is not infringed where an age of sixty-five years or over is a requirement, qualification or consideration for preferential treatment. **Section 15.**

Canadian Citizenship

(1) A right under Part I to non-discrimination because of citizenship is not infringed where Canadian citizenship is a requirement, qualification or consideration imposed or authorized by law. **Section 16(1).**

Special Interest Organizations

The rights under Part I to equal treatment with respect to services and facilities, with or without accommodation, are not infringed where membership or participation in a religious, philanthropic, educational, fraternal or social institution or organization that is primarily engaged in serving the interests of persons identified by a prohibited ground of discrimination is restricted to persons who are similarly identified. **Section 18.**

Restriction of Facilities by Sex

(1) The right under section 1 to equal treatment with respect to services and facilities without discrimination because of sex is not infringed where the use of the services or facilities is restricted to persons of the same sex on the ground of public decency. **Section 20(1).**

Minimum Drinking Age

(2) The right under section 1 to equal treatment with respect to services, goods and facilities without discrimination because of age is not infringed by the provisions of the *Liquor Licence and Control Act, 2019* and the regulations under it relating to providing for and enforcing a minimum drinking age of nineteen years. **Section 20(2).**

Young Persons and Certain Products

(4) The right under section 1 to equal treatment with respect to goods without discrimination because of age is not infringed by the provisions of the *Smoke-Free Ontario Act, 2017* and the regulations under it relating to selling or supplying

anything to which that Act applies to persons who are, or who appear to be, under the age of 19 years or 25 years, as the case may be. **Section 20(4).**

For more information:

- Shared accommodation, Restrictions on accommodation, sex, Prescribing business practices. **Section 21(1)(2)(3).**
- Restrictions for insurance contracts, etc. **Section 22.**
- **Section 23(1).**
- Application for employment. **Section 23(2).**
- Questions at interview. **Section 23(3).**
- Employment agencies. **Section 23(4).**
- Special employment. **Section 24(1)(a) to (h).**
- Employee benefit and pension plans. **Section 25(1)(2).**
- Discrimination in employment under government contracts. **Section 26(1).**
- Part III – The Ontario Human Rights Commission – Functions of Commission. **Section 29.**

Further details on the Human Rights Code, R.S.O. 1990, c. H.19 can be found at *ontario.ca*.

PRINCE EDWARD ISLAND

Under the **Prince Edward Island Human Rights Act** – **Sections 2 to 15**, discrimination is prohibited in accommodation, property sales, employment, pay, membership in organizations, and public functions. **Employers must** ensure non-discriminatory practices in hiring, wages, and employment conditions. The Act also protects individuals from retaliation for filing complaints or assisting in discrimination proceedings.

PART I – DISCRIMINATION PROHIBITED

Discrimination in Accommodation Prohibited

(1) No person **shall** discriminate:

(a) against any individual or class of individuals with respect to enjoyment of accommodation, services and facilities to which members of the public have access; or

(b) with respect to the manner in which accommodations, services and facilities, to which members of the public have access, are provided to any individual or class of individuals. **Section 2.**

Discrimination in Property Sales Prohibited

No person who offers to sell property or any interest in property **shall:**

(a) refuse an offer to purchase the property or interest made by an individual or class of individuals on a discriminatory basis; or

(b) discriminate against any individual or class of individuals with respect to any term or condition of sale of any property or interest. **Section 4.**

Discrimination in Employment Prohibited

(1) No person **shall** refuse to employ or to continue to employ any individual:

(a) on a discriminatory basis, including discrimination in any term or condition of employment; or

(b) because the individual has been convicted of a criminal or summary conviction offence that is unrelated to the employment or intended employment of the individual. **Section 6(1).**

Discrimination in Pay Prohibited

(1) No **employer** or person acting on behalf of an **employer shall** discriminate between his employees by paying one employee at a rate of pay less than the rate of pay paid to another employee employed by him for substantially the same work, the performance of which requires equal education, skill, experience, effort, and responsibility and which is performed under similar working conditions, except where the payments are made pursuant to:

(a) a seniority system;

(b) a merit system; or

(c) a system that measures earnings by quantity or quality of production or performance, but where the systems referred to in clauses (a) to (c) are based on discrimination, the exemptions do not apply. **Section 7(1)(a) to (c).**

Reduction of Pay Prohibited, Where

(2) No **employer** or person acting on his behalf **shall** reduce the rate of pay of an employee in order to comply with subsection (1). **Section 7(2).**

Employees' Organizations

No employees' organization **shall** exclude any individual from full membership or expel or suspend any of its members on a discriminatory basis or discriminate against any individual in regard to his employment by an **employer**. **Section 8.**

Professional Business or Trade Association Membership

No business, professional or trade association **shall** exclude any individual from full membership or expel or suspend any of its members on a discriminatory basis. **Section 9.**

For more information:

- Person or agency carrying out public functions. **Section 10(1).**
- Religious and non-profit organizations excepted. **Section 10(2).**
- Application to insurance and retirement plans. **Section 11.**
- Discrimination in advertising prohibited. **Section 12(1).**
- Free expression of opinion. **Section 12(2).**
- Discrimination because of association. **Section 13.**
- Protection of repudiation. **Section 15.**
- Social assistance benefits. **Section 15.1.**

Further details on the Human Rights Act can be found at *princeedwardisland.ca*.

QUÉBEC

Under the **Charter of Human Rights and Freedoms** – **Sections 10 to 20.1**, discrimination

is prohibited based on race, color, sex, gender identity, sexual orientation, age (as lawfully provided), religion, political beliefs, ethnicity, disability, or social condition. It prohibits discrimination in various areas, including access to goods, services, public spaces, employment, and membership in organizations. **Employers must** ensure equal pay for equivalent work and cannot penalize someone for a criminal conviction unrelated to the job.

Chapter I.1

Right to Equal Recognition and Exercise of Rights and Freedoms

Every person has a right to full and equal recognition and exercise of his human rights and freedoms, without distinction, exclusion or preference based on race, colour, sex, gender identity or expression, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of any means to palliate a handicap.

Discrimination exists where such a distinction, exclusion or preference has the effect of nullifying or impairing such right. **Section 10.**

No one may harass a person on the basis of any ground mentioned in section 10. **Section 10.1.**

No one may distribute, publish or publicly exhibit a notice, symbol or sign involving discrimination, or authorize anyone to do so. **Section 11.**

No one may, through discrimination, refuse to make a juridical act concerning goods or services ordinarily offered to the public. **Section 12.**

No one may in a juridical act stipulate a clause involving discrimination.

Such a clause is without effect. **Section 13.**

The prohibitions contemplated in sections 12 and 13 do not apply to the person who leases a room situated in a dwelling if the lessor or his family resides in such dwelling, leases only one room and does not advertise the room for lease by a notice or any other public means of solicitation. **Section 14.**

No one may, through discrimination, inhibit the access of another to public transportation or a public place, such as a commercial establishment, hotel, restaurant, theatre, cinema, park, camping ground or trailer park, or his obtaining the goods and services available there. **Section 15.**

No one may practice discrimination in respect of the hiring, apprenticeship, duration of the probationary period, vocational training, promotion, transfer, displacement, laying-off, suspension, dismissal or conditions of employment of a person or in the establishment of categories or classes of employment. **Section 16.**

No one may practice discrimination in respect of the admission, enjoyment of benefits, suspension or expulsion of a person to, of or from an association of **employers** or employees or any professional order or association of persons carrying on the same occupation. **Section 17.**

No employment bureau may practice discrimination in respect of the reception, classification or processing of a job application or in any document intended for submitting an application to a prospective **employer**. **Section 18.**

No one may, in an employment application form or employment interview, require a person to give information regarding any ground mentioned in section 10 unless the information is useful for the application of section 20 or the implementation of an affirmative action program in existence at the time of the application. **Section 18.1.**

No one may dismiss, refuse to hire or otherwise penalize a person in his employment owing to the mere fact that he was convicted of a penal or criminal offence, if the offence was in no way connected with employment or if the person has obtained a pardon for the offence. **Section 18.2.**

Every **employer must**, without discrimination, grant equal salary or wages to the members of his personnel who perform equivalent work at the same place.

A difference in salary or wages based on experience, seniority, years of service, merit, productivity or overtime is not considered discriminatory if such criteria are common to all members of the personnel.

Adjustments in compensation and a pay equity plan are deemed not to discriminate on the basis of gender if they are established in accordance with the Pay Equity Act (chapter E-12.001). **Section 19.**

A distinction, exclusion or preference based on the aptitudes or qualifications **required** for an employment, or justified by the charitable, philanthropic, religious, political or educational nature of a non-profit institution or of an institution devoted exclusively to the well-being of an ethnic group, is deemed non-discriminatory. **Section 20.**

In an insurance or pension contract, a social benefits plan, a retirement, pension or insurance plan, or a public pension or public insurance plan, a distinction, exclusion or preference based on age, sex or civil status is deemed non-discriminatory where the use thereof is warranted and the basis therefor is a risk determination factor based on actuarial data.

In such contracts or plans, the use of health as a risk determination factor does not constitute discrimination within the meaning of section 10. **Section 20.1.**

Further details on the Charter of Human Rights and Freedoms can be found at *legisquebec.gouv.qc.ca*.

SASKATCHEWAN

Under the **Saskatchewan Employment Act** – **Division 2: Sections 2-8, 2-21, 2-40, 2-42, Division 5: Section 3-35, Division 8: Sections 3-54, 3-58, and Division 12: Section 3-78**, **employers must** ensure equal pay for equal work, protect employees from discrimination due to illness or family-related absences, and prevent retaliation for reporting violations or refusing unsafe work. **Employers** are responsible for reinstating employees, compensating for lost wages, and removing reprimands if discrimination occurs. Non-compliance may result in legal penalties, emphasizing **employers**‘ duty to maintain a fair and safe workplace.

Division 2 – Conditions of Employment

Subdivision – 1 General

Prohibition on Discriminatory Action

(1) Unless authorized by this Part, no **employer shall** take discriminatory action against an employee because the employee:

(a) requests or requires the **employer** to comply with any right or benefit conferred on employees by this Part, the regulations made pursuant to this Part or an authorization issued pursuant to this Part;

(b) requests or requires the **employer** to comply with any restriction or prohibition imposed on the **employer** by this Part, the regulations made pursuant to this Part or an authorization issued pursuant to this Part;

(c) is pregnant or is temporarily disabled because of pregnancy;

(d) has applied for or taken an employment leave or is otherwise absent from the workplace in accordance with this Part;

(e) has requested a modification of the employee's duties or a reassignment to other duties for reasons set out in section 2-41 or subsection 2-49(4);

(f) seeks or has sought the enforcement of any provision in this Part or the regulations made pursuant to this Part; or

(g) has had his or her wages seized or attached.

(2) In any prosecution alleging a contravention of subsection (1), the onus is on the **employer** to prove that any discriminatory action taken against the employee was taken for good and sufficient cause. **Section 28(1)(2).**

Subdivision 4 – Discrimination in Pay Prohibited

No Discrimination in Pay

(1) No **employer shall** pay an employee of one sex at a rate of pay less than the rate paid to an employee of another sex if:

(a) they are employed by the **employer** for similar work that is performed in the same workplace under similar working conditions; and

(b) the performance of the work requires similar skill, effort, and responsibility.

(2) Subsection (1) does not apply if a payment differential is made pursuant to a seniority system or merit system.

(3) No **employer shall** reduce the rate of pay of any employee in order to comply with this section.

(4) If an **employer** has contravened subsection (1), the **employer** is not, after that contravention, entitled to reduce the rate of pay to which an employee is entitled on the grounds that the work is subsequently performed only by employees of the same sex.

(5) No **employer shall** pay an employee a different rate of pay on the basis of any prohibited ground, as defined in The Saskatchewan Human Rights Code, 2018, unless The Saskatchewan Human Rights Code, 2018 permits the different rate of pay. **Section 221(1) to (4).**

Subdivision 9 – Additional Obligations of Employer

Protection of Employees **for Illness or Injury**

(1) Subject to subsections (2) to (4.1), except for just cause unrelated to injury or illness, no **employer shall** take discriminatory action against an employee because of absence:

(a) due to the illness or injury of the employee; or

(b) due to the illness or injury of a member of the employee's immediate family who is dependent on the employee.

(2) Subsection (1) only applies if:

(a) the employee has been in the **employer**'s service for more than 13 consecutive weeks before the absence;

(b) the absence does not exceed:

(i) a total of 12 days in a calendar year, in the case of illness or injury that is not serious; or

(ii) 12 weeks in a period of 52 weeks, in the case of serious illness or injury; and

(c) the employee, if requested in writing by the **employer**, provides the **employer** with a certificate of a duly qualified medical practitioner certifying that the employee was incapable of working due to illness or injury or certifying illness or injury of the member of the employee's immediate family, as the case may be.

(3) The protection afforded by subclause (2)(b)(i) does not apply if it can be demonstrated that the employee has a record of chronic absenteeism and there is no reasonable expectation of improved attendance.

(4) The period of absence permitted pursuant to subclause (2)(b)(ii) **must** be extended to 26 weeks in a period of 52 weeks if the employee is receiving compensation pursuant to The Workers' Compensation Act, 1979.

(4.1) If the absence due to the illness or injury of an employee is the result of a public health emergency, the employee is exempt from the requirements of clauses (2)(a) and (c).

(5) Nothing in this section limits or abrogates an employee's rights at common law or pursuant to The Saskatchewan Human Rights Code, 2018. **Section 2-40(1) to (5).**

For more information:

- Employer not to take discriminatory action. **Section 2-42(1) to (3).**
- Division 5 – Right to Refuse Dangerous Work; Discriminatory Action – Discriminatory action prohibited. **Section 3 35(a) to (k).**
- Referral to occupational health officer. **Section 3-36(1) to (6).**
- Division 8 – Appeals – Appeals re harassment or discriminatory action. **Section 3-54(1)(2).**
- Discriminatory action during appeal. **Section 3-58(1)(2).**
- Division 12 – Offences and Penalties. **Section 3-78(a) to (g)**.

Further details on Further details on the Saskatchewan Employment Act can be found at *saskatchewan.ca*.

YUKON TERRITORY

Under the **Yukon Human Rights Act**, discrimination is prohibited under **Sections 7 to 16, 24 and 35**. **Employers must** ensure equal treatment without discrimination based on ancestry, sex, disability, criminal record, or other prohibited grounds. They **must** also accommodate special needs, prevent harassment, and ensure equal pay for equal work. If discrimination occurs, **employers** can be **required** to remedy the situation, pay damages, and ensure corrective actions are taken.

Part 2 – Discriminatory Practices

Prohibited Grounds

It is discrimination to treat any individual or group unfavourably on any of the following grounds:

(a) ancestry, including colour and race;

(b) national origin;

(c) ethnic or linguistic background or origin;

(d) religion or creed, or religious belief, religious association, or religious activity;

(e) age;

(f) sex, including pregnancy, and pregnancy related conditions;

(f.01) gender identity or gender expression;

(g) sexual orientation;

(h) physical or mental disability;

(i) criminal charges or criminal record;

(j) political belief, political association, or political activity;

(k) marital or family status;

(l) source of income;

(m) actual or presumed association with other individuals or groups whose identity or membership is determined by any of the grounds listed in paragraphs (a) to (l).
Section 7(a) to (m).

Duty to Provide for Special Needs

(1) Every person has a responsibility to make reasonable provisions in connection with employment, accommodations, and services for the special needs of others if those special needs arise from physical disability, but this duty does not exist if making the provisions would result in undue hardship.

(a) safety;

(b) disruption to the public;

(c) effect on contractual obligations;

(d) financial cost;

(e) business efficiency.

(3) This Act does not apply to structures which at the commencement of this Act were existing and complied with the applicable requirements of the Building Standards Act and regulations under that Act. **Sections 8(1)(a) to (e), (3).**

Prohibited Discrimination

No person **shall** discriminate:

(a) when offering or providing services, goods, or facilities to the public;

(b) in connection with any aspect of employment or application for employment;

(c) in connection with any aspect of membership in or representation by any trade union, trade association, occupational association, or professional association;

(d) in connection with any aspect of the occupancy, possession, lease, or sale of property offered to the public;

(e) in the negotiation or performance of any contract that is offered to or for which offers are invited from the public. **Section 9(a) to (e).**

Harassment

(1) No person **shall:**

(a) harass any individual or group by reference to a prohibited ground of discrimination;

(b) retaliate or threaten to retaliate against an individual who objects to the harassment.

(2) In subsection (1), “harass” means to engage in a course of vexatious conduct or to make a demand or a sexual solicitation or advance that one knows or ought reasonably to know is unwelcome. **Section 14(1)(2).**

Equal Pay for Work of Equal Value

(1) This section applies only to the Government of the Yukon and municipalities and their corporations, boards, and commissions.

(2) It is discrimination for an **employer** to establish or maintain a difference in wages between employees who are performing work of equal value, if the difference is based on any of the prohibited grounds of discrimination.

(3) In assessing the value of the work performed the criterion to be applied is the composite of the skill, effort, and responsibility **required** and the working conditions.

(4) For the purposes of this section, “wages” means any form of payment for work performed by an individual, and includes salaries, commissions, vacation pay, dismissal wages, bonuses, value for board, rent, housing, lodging, payments in kind, **employer** contributions to pension funds or plans, **employer** contributions to long-term disability plans, **employer** contributions to any forms of health insurance plans, and any other advantage received directly or indirectly from the individual’s **employer**.

(5) An **employer shall** not reduce wages in order to comply with this section. **Section 15(1) to (5).**

For more information:

- Reasonable cause. **Section 10.**
- **Section 11.**
- Systemic discrimination. **Section 12.**
- Part 3 – Yukon Human Rights Commission – Human Rights Commission. **Section 16.**
- Part 4 – Complaints – If complaint established. **Section 24(1)(2).**
- Part 6 – Miscellaneous – Acts of employees. **Section 35.**

Further details on the Human Rights Act can be found at *laws.yukon.ca*.