

Insolence / Insubordination – Know The Laws Of Your Province



Insolence and insubordination regulations are vital for maintaining respectful, orderly, and legally compliant workplaces. These regulations require **employers** to handle employee misconduct fairly, applying discipline without discrimination and respecting employee rights under human rights laws. Measures include ensuring that any disciplinary actions are based on legitimate, non-discriminatory grounds, properly documenting behavior issues, and accommodating employees' needs when **required**. Workers **must** be aware of expected standards of conduct and the consequences of violating them. While the general principles protecting against unfair treatment are consistent across Canada, specific regulations vary by province and territory to address local legal frameworks and workplace realities. Compliance with these regulations promotes fairness, reduces legal risks, and supports a positive workplace environment.

FEDERAL

In Canada, **employers** are **required** to address insolence and insubordination concerns under the [Canadian Human Rights Act](#), Sections 3, 7, 11, and 14.1. **Employers must** ensure that disciplinary actions, including those for insolence or insubordination, are not based on prohibited grounds of discrimination such as race, sex, disability, or other protected characteristics. **Employers** are responsible for providing a fair and respectful workplace, avoiding retaliation against employees who assert their rights, and ensuring that all employment practices, including disciplinary measures, comply with human rights standards.

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).**

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.**

Equal Wages

(1) It is a discriminatory practice for an **employer** to establish or maintain differences in wages between male and female employees employed in the same establishment who are performing work of equal value.

Assessment of Value of Work

(2) In assessing the value of work performed by employees employed in the same establishment, the criterion to be applied is the composite of the skill, effort and responsibility **required** in the performance of the work and the conditions under which the work is performed.

Separate Establishments

(3) Separate establishments established or maintained by an **employer** solely or principally for the purpose of establishing or maintaining differences in wages between male and female employees **shall** be deemed for the purposes of this section to be the same establishment.

Different Wages Based on Prescribed Reasonable Factors

(4) Notwithstanding subsection (1), it is not a discriminatory practice to pay to male and female employees different wages if the difference is based on a factor prescribed by guidelines, issued by the Canadian Human Rights Commission pursuant to subsection 27(2), to be a reasonable factor that justifies the difference.

(5) For greater certainty, sex does not constitute a reasonable factor justifying a difference in wages.

No Reduction of Wages

(6) An **employer shall** not reduce wages in order to eliminate a discriminatory practice described in this section.

Definition of Wages

(7) For the purposes of this section, wages means any form of remuneration payable for work performed by an individual and includes:

- (a) salaries, commissions, vacation pay, dismissal wages, and bonuses;
- (b) reasonable value for board, rent, housing, and lodging;
- (c) payments in kind;
- (d) **employer** contributions to pension funds or plans, long-term disability plans and all forms of health insurance plans; and
- (e) any other advantage received directly or indirectly from the individual's **employer. Section 11 (1) to (7).**

Retaliation

It is a discriminatory practice for a person against whom a complaint has been filed under Part III, or any person acting on their behalf, to retaliate or threaten retaliation against the individual who filed the complaint or the alleged victim. **Section 14.1.**

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

ALBERTA

In Alberta, under the [Human Rights Act Sections 4, 6, 7, and 10](#), **employers must** address insolence and insubordination without discrimination. Disciplinary actions **must** be fair, non-retaliatory, and cannot be based on protected grounds such as race, gender, or disability. **Employers** are responsible for ensuring that all workplace practices comply with human rights obligations.

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.**

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).

Discrimination re: Employment Practices

(1) No **employer shall**:

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

(b) discriminate against any person with regard to employment or any term or condition of employment, 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 of any other person.

(2) Subsection (1) as it relates to age and marital status does not affect the operation of any bona fide retirement or pension plan or the terms or conditions of any bona fide group or employee insurance plan.

(3) Subsection (1) does not apply with respect to a refusal, limitation, specification or preference based on a bona fide occupational requirement. **Section 7 (1) to (3).**

Prohibitions Regarding Complaints

(1) No person **shall** retaliate against a person because that person:

(a) has made or attempted to make a complaint under this Act,

(b) has given evidence or otherwise participated in or may give evidence or otherwise participate in a proceeding under this Act,

(c) has made or is about to make a disclosure that person may be **required** to make in a proceeding under this Act, or

(d) has assisted in any way in:

(i) making or attempting to make a complaint under this Act, or

(ii) the investigation, settlement or prosecution of a complaint under this Act.

(2) No person **shall**, with malicious intent, make a complaint under this Act that is frivolous or vexatious. **Section 10 (1)(2).**

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

BRITISH COLUMBIA

In British Columbia, **employers must** address insolence and insubordination fairly under the [Human Rights Code Sections 8, 12, 13, and 14](#). **Employers** are prohibited from discriminating in employment decisions or workplace discipline based on protected grounds such as race, Indigenous identity, gender, disability, or age. They **must** ensure that disciplinary actions are free from bias and based on legitimate, non-discriminatory reasons to comply with human rights obligations.

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 Wages

(1) An **employer must** not discriminate between employees by employing an employee of one sex for work at a rate of pay that is less than the rate of pay at which an employee of another sex is employed by that **employer** for similar or substantially similar work.

(2) For the purposes of subsection (1), the concept of skill, effort and responsibility **must**, subject to factors in respect of pay rates such as seniority systems, merit systems and systems that measure earnings by quantity or quality of production, be used to determine what is similar or substantially similar work.

(3) A difference in the rate of pay between employees of different sexes based on a factor other than sex does not constitute a failure to comply with this section if the factor on which the difference is based would reasonably justify the difference.

(4) An **employer must** not reduce the rate of pay of an employee in order to comply with this section.

(5) If 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 is entitled, together with the costs, but:

(a) the action **must** be commenced no later than 12 months from the termination of the

employee's services, and

(b) the action applies only to wages of an employee during the 12 month period immediately before the earlier of the date of the employee's termination or the commencement of the action. **Section 12 (1) to (5).**

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) to (4).**

Discrimination by Unions and Associations

A trade union, **employers'** organization or occupational association **must** not:

(a) exclude any person from membership,

(b) expel or suspend any member, or

(c) discriminate against any person or member 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 member, or because that person or member has been convicted of a criminal or summary conviction offence that is unrelated to the membership or intended membership. **Section 14.**

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

MANITOBA

In Manitoba, **employers** are **required** to address insolence and insubordination fairly under [The Human Rights Code](#) Sections 9(1.1)(2), 14(1), 14(12), 19, and 20. Employers

must ensure that disciplinary actions and employment decisions are free from discrimination based on protected characteristics such as race, ancestry, gender, disability, or political belief. They **must** also take reasonable steps to prevent harassment in the workplace and avoid retaliating against employees who exercise their rights under the Code.

PART II – PROHIBITED CONDUCT AND SPECIAL PROGRAMS

Interpretation

(1.1) 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 in Employment

(1) No person **shall** discriminate with respect to any aspect of an employment or occupation, unless the discrimination is based upon bona fide and reasonable requirements or qualifications for the employment or occupation. **Section 14(1).**

No Reduction of Wages, etc.

(12) An **employer shall** not, in order to comply with this section,

(a) terminate the employment or occupation of any person; or

(b) reduce the wage level or diminish any other benefit available to any person in an employment or occupation; or

(c) change the customs, practices and conditions of an employment or occupation to the detriment of any person; if the person accepted the employment or occupation, the wage level or other benefit, or the customs, practices and conditions in good faith.

Section 14(12).

Harassment

(1) No person who is responsible for an activity or undertaking to which this Code applies **shall**:

(a) harass any person who is participating in the activity or undertaking; or

(b) knowingly permit, or fail to take reasonable steps to terminate, harassment of one person who is participating in the activity or undertaking by another person who is participating in the activity or undertaking. **Section 19(1).**

For more information:

- **Sections 20 (a) to (g).**

Further details on the Human Rights Code can be found at gov.mb.ca.

NEW BRUNSWICK

In New Brunswick, **employers are required** to address insolence and insubordination fairly under the **Human Rights Act Sections 2.1, 4, 7, 10, and 11**. **Employers must** ensure that decisions related to hiring, employment conditions, discipline, and termination are free from discrimination based on protected grounds such as race, religion, disability, sex, or political belief. They **must** also prevent sexual harassment in the workplace and protect employees from retaliation for filing or participating in a human rights complaint.

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.**

Sexual Harassment

(1) The following definitions apply in this section.

“association” means an **employers’** organization, a trade union, a professional association or a business or trade association. (association)

“representative” means a person who acts on behalf of an association or another person.

“sexually harass” means engage in vexatious comment or conduct of a sexual nature that is known or ought reasonably to be known to be unwelcome.

(2) No **employer**, representative of the **employer** or person employed by the **employer** **shall** sexually harass a person employed by the **employer** or a person seeking employment with the **employer**.

(3) No association or representative of the association **shall** sexually harass a member of the association or a person seeking membership in the association.

(4) No person who provides goods, services, facilities or accommodation to the public, nor any representative of that person, **shall** sexually harass a recipient or user, or a person seeking to be a recipient or user, of those goods, services, facilities or accommodation.

(5) No person who provides commercial or residential premises to the public, nor any representative of that person, **shall** sexually harass an occupant, or a person seeking to be an occupant, of those premises.

(6) For the purposes of this section:

(a) an act committed by an employee or representative of a person **shall** be deemed to be an act committed by the person if the person did not exercise the diligence appropriate in the circumstances to prevent the commission of the act,

(b) an act committed by an employee or representative of an association **shall** be deemed to be an act committed by the association if an officer or director of the association did not exercise the diligence appropriate in the circumstances to prevent the commission of the act, and

(c) an act committed by an officer or director of an association **shall** be deemed to be an act committed by the association. **Section 10 (1) to (6).**

For more information:

- **Section 2.2.**
- Discrimination in employment. **Section 4 (1) to (7).**
- Discriminatory notices or signs. **Section 7.**
- Discrimination for complaint. **Section 11.**

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

NEWFOUNDLAND & LABRADOR

In Newfoundland and Labrador, **employers** are **required** to address insolence and insubordination under the [Human Rights Act](#), **Sections 9, 11, 14, 16, 17, and 20**. **Employers must** ensure that employment decisions and workplace conditions are free from discrimination based on race, religion, disability, sex, gender identity, and other protected grounds. They **must** maintain equal pay for equal work, prevent harassment within the workplace, and protect employees from retaliation when participating in human rights complaints or investigations.

PART II – PROHIBITIONS

Prohibited Grounds of Discrimination

(1) For the purpose of this Act, the prohibited grounds of discrimination are race, colour, nationality, ethnic origin, social origin, religious creed, religion, age, disability, disfigurement, sex, sexual orientation, gender identity, gender expression, marital status, family status, source of income, and political opinion.

(2) Where this Act protects an individual from discrimination on the basis of sex, the protection includes the protection of a female from discrimination on the basis that she is or may become pregnant.

(3) Where 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.

(4) Where 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) 2 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 9 (1) to (4).**

Goods, Services, Accommodation, and Facilities

(1) A person **shall** not, on the basis of a prohibited ground of discrimination,

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

(b) discriminate against a person or class of persons with respect to goods, services, accommodation or facilities that are customarily offered to the public.

(2) Notwithstanding subsection (1), a limitation, specification, exclusion, denial, or preference because of a disability **shall** be permitted where that limitation, specification, exclusion, denial or preference is based upon a good faith qualification.

(3) Subsection (1) does not apply:

(a) to accommodation in a private residence, except a private residence that offers bed and breakfast accommodation for compensation;

(b) to the exclusion of a person because of that person's sex from accommodation, services or facilities upon the ground of public decency;

(c) to accommodation where sex is a reasonable criterion for admission to the accommodation;

(d) to a restriction on membership on the basis of a prohibited ground of discrimination, in a religious, philanthropic, educational, fraternal, sororal, or social organization that is primarily engaged in serving the interests of a group of persons identified by that prohibited ground of discrimination; or

(e) to other situations where a good faith reason exists for the denial of or discrimination with respect to accommodation, services, facilities, or goods.

(4) Subsection (1) does not prohibit the denial or refusal of accommodation, services, facilities or goods to a person who is less than 19 years of age where the denial or refusal is **required** or authorized by another Act.

(5) For the purpose of this section, "accommodation, services, facilities or goods to which members of the public customarily have access or which are customarily offered to the public" include accommodation, services, facilities or goods that are restricted to a certain segment of the public. **Section 11 (1) to (5).**

Equal Pay for Same or Similar Work

(1) An **employer**, or a person acting on behalf of an **employer**, **shall** not establish or maintain differences in wages between employees employed in the same establishment who are performing, under the same or similar working conditions, the same or similar work on jobs requiring the same or similar skill, effort and responsibility on the basis of a prohibited ground of discrimination, except where that payment is made under:

(a) a seniority system; or

(b) a merit system.

(2) Employees employed in the same establishment who are performing under the same or similar working conditions, the same or similar work on jobs requiring the same or similar skill, effort and responsibility **shall** have:

(a) opportunities for training and advancement; and

(b) pension rights and insurance benefits without discrimination on the basis of a

prohibited ground of discrimination.

(3) An **employer shall** not reduce the wages of an employee in order to comply with subsection (1). **Section 16 (1) to (3).**

For more information:

- Discrimination in employment. **Sections 14 (1) to (10).**
- Harassment in establishment prohibited. **Sections 17.**
- Protection of complainants and others. **Sections 20.**

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

NOVA SCOTIA

In Nova Scotia, **employers are required** to address insolence and insubordination under the **Human Rights Act**, **Sections 5(1), 6(1)(2), and 8**. **Employers must** ensure that employment decisions, advertisements, and application processes do not discriminate based on age, race, gender identity, disability, religion, or other protected characteristics. They are also prohibited from circulating job forms or publishing advertisements that express limitations or preferences tied to these grounds. **Employers** have a responsibility to uphold equal treatment in the workplace, except where a bona fide occupational requirement applies.

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). **Section 5 (1)(a) to (u).**

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).**

For more information:

- **Section 6 (a) to (g).**

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

NORTHWEST TERRITORIES

In the Northwest Territories, **employers** are **required** to address insolence and insubordination under the [Human Rights Act](#), **Sections 5, 6, 7, 11, and 14**. **Employers must** ensure that employment practices do not discriminate based on race, gender identity, disability, political belief, or other prohibited grounds, and **must** accommodate employee needs unless doing so would cause undue hardship. They are also prohibited from engaging in harassment or allowing a discriminatory work environment. **Employers** have a clear responsibility to foster fair, respectful workplaces and uphold every individual's right to equal treatment.

PART 2 – PROHIBITIONS

Prohibited Grounds of Discrimination and Intent

Prohibited Grounds of Discrimination

(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.

Retirement, Pension, and Insurance Plans

- (2) In respect of the age, marital status and family status of an individual or a

class of individuals, subsection (1) does not affect the operation of any bona fide retirement or pension plan or the terms and conditions of any bona fide group or employee insurance plan.

Bona Fide Occupational Requirement

(3) Subsection (1) does not apply with respect to a practice based on a bona fide occupational requirement.

Duty to Accommodate

(4) In order for a practice described in subsection (1) to be considered to be based on a bona fide 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

(5) 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 not operated for private profit; and

(b) is:

(i) a charitable, educational, fraternal, religious, 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.

Owner of Business may Give Preference in Employment

(6) It is not a contravention of subsection (1) for an owner of a business to give preference in employment, on the basis of family affiliation, to a member of his or her family. **Section 7 (1) to (6).**

For more information:

- Goods, Services, Accommodation, and Facilities. **Section 11 (1) to (3).**
- **Section 14 (1)(2).**

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

NUNAVUT

In Nunavut, **employers** are **required** to address insolence and insubordination under the [Human Rights Act](#), **Sections 5, 6, 7, 11, and 14**. **Employers** must ensure that employment practices do not discriminate based on race, gender identity, disability, political belief, or other prohibited grounds, and **must** accommodate employee needs unless doing so would cause undue hardship. They are also prohibited from engaging in harassment or allowing a discriminatory work environment. **Employers** have a clear responsibility to foster fair, respectful workplaces and uphold every individual's right to equal treatment.

PART 2 – PROHIBITIONS

Prohibited Grounds of Discrimination and Intent

Prohibited Grounds of Discrimination

(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.

Retirement, Pension, and Insurance Plans

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

Bona Fide Occupational Requirement

(3) Subsection (1) does not apply with respect to a practice based on a bona fide occupational requirement.

Duty to Accommodate

(4) In order for a practice described in subsection (1) to be considered to be based on a bona fide 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

(5) 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 not operated for private profit; and

(b) is:

(i) a charitable, educational, fraternal, religious, 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.

Owner of Business may give Preference in Employment

(6) It is not a contravention of subsection (1) for an owner of a business to give preference in employment, on the basis of family affiliation, to a member of his or her family. **Section 7 (1) to (6).**

For more information:

- Goods, Services, Accommodation and Facilities. **Section 11 (1) to (3).**
- **Section 14 (1)(2).**

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

ONTARIO

In Ontario, **employers** are **required** to address insolence and insubordination in the context of human rights under the **Human Rights Code, Sections 5, 8, 11, and 17**. **Employers must** ensure equal treatment in employment without discrimination and avoid practices that indirectly disadvantage protected groups unless they can prove undue hardship. Workers also have the right to assert their rights without reprisal. **Employers** have a duty to accommodate employees, particularly in cases involving disability, and **must** uphold a respectful, inclusive work environment where

inappropriate behaviour is not used as a pretext for discriminatory action.

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).**

Reprisals

Every person has a right to claim and enforce his or her rights under this Act, to institute and participate in proceedings under this Act and to refuse to infringe a right of another person under this Act, without reprisal or threat of reprisal for so doing. **Section 8.**

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).**

Disability

(1) A right of a person under this Act is not infringed for the reason only that the person is incapable of performing or fulfilling the essential duties or requirements attending the exercise of the right because of disability.

Accommodation

(2) No tribunal or court **shall** find a person incapable unless it is satisfied that the needs of the person cannot be accommodated without undue hardship on the person responsible for accommodating those needs, considering the cost, outside sources of funding, if any, and health and safety requirements, if any. **Section 17 (1)(2).**

Further details on the Human Rights Code can be found at ontario.ca.

PRINCE EDWARD ISLAND

In Prince Edward Island, **employers must** address insolence and insubordination within the framework of nondiscriminatory practices under the [Human Rights Act](#), **Sections 2, 6, and 7**. **Employers** are prohibited from refusing to employ or continuing to employ individuals based on protected characteristics, and **must** also ensure equal pay for substantially similar work regardless of sex. Discriminatory recruitment, application forms, or advertising practices are also restricted. Importantly, even if addressing conduct issues such as insubordination, **employers must** ensure that actions taken are not discriminatory or retaliatory and align with legitimate occupational qualifications or fair employment standards.

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.

Application

(2) Subsection (1) does not prevent the denial or refusal of accommodation, services or facilities to a person on the basis of age if the accommodation, services or facilities are not available to that person by virtue of any enactment in force in the province. **Section 2 (1)(2).**

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.

Employment Agencies

(2) No employment agency **shall** accept an inquiry in connection with employment from any **employer** or prospective employee that directly or indirectly expresses any limitation, specification or preference or invites information that is discriminatory and no employment agency **shall** discriminate against any individual.

Application for Employment Forms

(3) No person **shall** use or circulate any form of application for employment or publish any advertisement in connection with employment or prospective employment or make any inquiry in connection with employment that directly or indirectly expresses any limitation, specification or preference or invites information that is discriminatory.

Application of Section

(4) This section does not apply to:

(a) a refusal, limitation, specification or preference based on a genuine occupational qualification;

(b) employment where disability is a reasonable disqualification;

(c) an exclusively religious or ethnic organization or an agency of such an organization that is not operated for private profit and that is operated primarily to foster the welfare of a religious or ethnic group with respect to persons of the same religion or ethnic origin as the case may be, if age, colour, creed, disability, ethnic or national origin, family status, gender expression, gender identity, marital

status, political belief, race, religion, sex, sexual orientation, or source of income is a reasonable occupational qualification. **Section 6 (1) to (4).**

For more information:

- Discrimination in pay prohibited. **Sections 7 (1) to (5).**

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

QUÉBEC

In Québec, **employers** are **required** to ensure equal and non-discriminatory treatment in the workplace under the [Charter of Human Rights and Freedoms](#), **Sections 10, 10.1, 19, and 46**. **Employers must** not discriminate or harass based on characteristics such as race, sex, gender identity, age, religion, or disability, and **must** provide equal pay for equivalent work performed at the same location. Additionally, they are obligated to provide fair and reasonable working conditions that safeguard employees' health, safety, and well-being. These responsibilities are central to addressing workplace issues like insolence or insubordination in a manner that upholds human rights.

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.**

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.**

Every person who works has a right, in accordance with the law, to fair and reasonable conditions of employment which have proper regard for his health, safety and physical well-being. **Section 46.**

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

SASKATCHEWAN

In Saskatchewan, **employers must** address workplace discrimination and protect against

unjust treatment under [The Saskatchewan Human Rights Code](#), Sections 12, 16, and 53, and related provisions. **Employers** are prohibited from refusing to hire, continue to employ, or otherwise discriminate against any person based on prohibited grounds such as race, religion, sex, disability, or age, and cannot retaliate against individuals who file complaints or participate in human rights proceedings. These responsibilities are critical when handling cases involving insolence or insubordination, ensuring that disciplinary actions are not discriminatory and that all employees are treated fairly and lawfully.

PART 3 – Prohibition of Certain Discriminatory Practices

Discrimination in Accommodation, Service, or Facility Prohibited

(1) No person, directly or indirectly, alone or with another or by the interposition of another, **shall**, on the basis of a prohibited ground:

(a) deny to a person or class of persons any accommodation, service or facility to which the public is customarily admitted or that is offered to the public; or

(b) discriminate against a person or class of persons with respect to any accommodation, service or facility to which the public is customarily admitted or that is offered to the public.

(2) Subsection (1) does not apply to prevent the barring of any person on the basis of that person's sex from any accommodation, service or facility on the ground of public decency.

(3) Subsection (1) does not apply to prevent the giving of preference on the basis of age, marital status or family status with respect to membership dues, fees or other charges for services or facilities. **Section 12 (1) to (3).**

Discrimination in Employment Prohibited

(1) No **employer shall** refuse to employ, refuse to continue to employ or otherwise discriminate against a person or class of persons with respect to employment, or a term or condition of employment, on the basis of a prohibited ground.

(2) No employee **shall** discriminate against another employee on the basis of a prohibited ground.

(3) No employment agency **shall** discriminate on the basis of a prohibited ground against a person or class of persons:

(a) in receiving, classifying, disposing of or otherwise acting on applications for the agency's services; or

(b) in referring a person to an **employer**.

(4) No **employer**, in the hiring or recruitment of persons for employment, **shall** use an employment agency that discriminates on the basis of a prohibited ground against a person or class of persons seeking employment.

(5) No provision of this section relating to age prohibits the operation of any term or condition of:

(a) a bona fide retirement, superannuation or pension plan;

(b) a bona fide group or employee insurance plan; or

(c) any bona fide scheme based on seniority.

(6) Nothing in this section deprives a college established pursuant to an Act, a school, a board of education, the Conseil scolaire fransaskois or the Saskatchewan Distance Learning Corporation of the right to employ persons of a particular religion or religious creed if religious instruction forms or may form the whole or part of the instruction or training provided by the college established pursuant to an Act or provided by the school, board of education, Conseil scolaire fransaskois or Saskatchewan Distance Learning Corporation, as the case may be, pursuant to The Education Act, 1995.

(7) The provisions of this section relating to any discrimination, limitation, specification or preference for a position or employment based on sex, disability or age do not apply if sex, ability or age is a reasonable and bona fide occupational qualification and requirement for the position or employment.

(8) This section does not prohibit an **employer** from refusing to employ or refusing to continue to employ a person on the basis of any prohibited ground if the employee is:

(a) employed in a private home; or

(b) living in the **employer's** home.

(9) The provisions of this section **shall** not be construed to prohibit distinctions in terms or conditions of employment if those distinctions are permitted by virtue of Part II of The Saskatchewan Employment Act or the regulations made pursuant to that Act.

(10) This section does not prohibit an exclusively non-profit charitable, philanthropic, fraternal, religious, racial or social organization or corporation that is primarily engaged in serving the interests of persons identified by their race, creed, religion, colour, sex, gender identity, sexual orientation, family status, marital status, disability, age, nationality, ancestry, place of origin or receipt of public assistance from only employing, or from giving preference in employment to, persons similarly identified if the qualification is a reasonable and bona fide qualification given the nature of the employment.

(11) This section does not prohibit an **employer** from:

(a) granting employment to, continuing to employ or advancing a person who is the parent, child or spouse of another employee of the **employer** if a reasonable and bona fide cause exists for the **employer's** action; or

(b) refusing to employ, to continue to employ or to advance a person who is the parent, child or spouse of another employee of the **employer** if a reasonable and bona fide cause exists for the **employer's** refusal. **Section 16 (1) to (11).**

For more information:

- Protection against intimidation or discrimination. **Section 53 (a) to (h).**

Further details on the Saskatchewan Human Rights Code can be found at saskatchewan.ca.

YUKON TERRITORY

In Yukon, **employers** are **required** to address workplace discrimination and protect fair

treatment under the [Human Rights Act](#), Sections 7, 8, 9, 10, 11, 14, and 15. Employers **must** ensure that no discrimination occurs in employment practices, including hiring, conditions of employment, and termination, based on prohibited grounds such as race, sex, disability, or political belief. It is especially important when dealing with issues like insolence or insubordination that **employers** apply discipline fairly, avoid discriminatory actions, and fulfill their duty to accommodate employees' special needs unless doing so would cause undue hardship.

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.

(2) For the purposes of subsection (1) “undue hardship” **shall** be determined by balancing the advantages and disadvantages of the provisions by reference to factors such as:

- (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. **Section 8 (1) to (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).**

Reasonable Cause

It is not discrimination if treatment is based on:

- (a) reasonable requirements or qualifications for the employment;
- (b) a criminal record or criminal charges relevant to the employment;
- (c) sex, so as to respect the privacy of the people to whom accommodations or a service or facility is offered; or
- (d) other factors establishing reasonable cause for the discrimination. **Section 10 (a) to (d).**

For more information:

- **Section 11 (1) to (3).**
- **Section 14 (1)(2).**
- Equal pay for work of equal value. **Section 15 (1) to (4).**

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