Off-Duty Conduct – Know The Laws Of Your Province



Off-duty conduct regulations are essential for maintaining fair, respectful, and discrimination-free employment environments across Canada. These rules prohibit **employers** from making adverse employment decisions—such as refusal to hire, dismissal, or disciplinary action—based on a person's lawful activities outside of work, unless such activities directly impact job performance or workplace safety. **Employers** are responsible for ensuring that workplace policies align with human rights codes, which protect against discrimination on grounds like race, gender identity, religion, political belief, and criminal record unrelated to the job. While foundational protections are consistent nationwide, each province and territory enforces specific provisions to reflect local legal contexts. Adherence to these regulations supports inclusive workplaces, prevents legal disputes, and fosters trust between **employers** and employees.

FEDERAL

In the federal jurisdiction of Canada, off-duty conduct is addressed under the Canadian Human Rights Act **Sections 3(1), 7, and 10**, and the Canada Labour Code **Sections 240(1)(2), 241(3)**. **Employers** are prohibited from engaging in discriminatory practices related to employment based on personal characteristics such as sexual orientation, religion, or criminal record with a pardon. They **must** also avoid unjust dismissal related to off-duty behavior that does not affect job performance. **Employers** have a duty to ensure fair employment policies and cannot terminate or discipline employees solely for lawful off-duty conduct unless it directly impacts the workplace.

Part I – Proscribed Discrimination

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. **Section 3 (1).**

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 ground of discrimination. **Section 7.**

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.**

Part III – Standard Hours, Wages, Vacations, and Holidays

Division XIV – Unjust Dismissal

Complaint

(1) Subject to subsections (2) and 242(3.1), a person who has been dismissed and considers the dismissal to be unjust may make a complaint in writing to the Head if the employee:

(a) has completed 12 consecutive months of continuous employment by an **employer**; and

(b) is not a member of a group of employees subject to a collective agreement.

Time for Making Complaint

(2) Subject to subsection (3), a complaint under subsection (1) **shall** be made within ninety days from the date on which the person making the complaint was dismissed. **Section 240 (1) (2).**

Complaint not Settled Within Reasonable Time

(3) If a complaint is not settled under subsection (2) within the period that the Head considers to be reasonable in the circumstances, the Head **must**, on the written request of the person who made the complaint that the complaint be referred to the Board, deliver to the Board the complaint made under subsection 240(1), any written statement giving the reasons for the dismissal provided under subsection (1) and any other statements or documents that the Head has that relate to the complaint. **Section 241 (3).**

Further details can be found at Canadian Human Rights Act and Canada Labour Code.

ALBERTA

In Alberta, off-duty conduct protections are covered under the **Labour Relations Code**,

Section 149(1), and the **Alberta Human Rights Act, Section 7. Employers must** not refuse to hire, discipline, or terminate an employee based on union activity, legal rights exercised under labour law, or personal characteristics such as race, gender, religion, or sexual orientation. These provisions emphasize the **employer**'s responsibility to uphold fair treatment and ensure employment decisions are not influenced by lawful off-duty actions or personal attributes unrelated to job performance.

Labour Relations Code

Prohibited Practices by Employer, etc.

(1) No **employer** or **employers**' organization and no person acting on behalf of an **employer** or **employers**' organization **shall:**

(a) refuse to employ or to continue to employ any person or discriminate against any person in regard to employment or any term or condition of employment because the person:

(i) is a member of a trade union or an applicant for membership in a trade union,

(ii) has indicated in writing the person's selection of a trade union to be the bargaining agent on the person's behalf,

(iii) has been expelled or suspended from membership in a trade union for a reason other than a failure to pay the union dues, assessments and initiation fees referred to in section 26.1(1)(b) uniformly **required** to be paid by all members of the trade union as a condition of acquiring or retaining membership in the trade union,

(iv) has testified or otherwise participated in or may testify or otherwise participate in a proceeding under this Act,

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

(vi) has made an application or filed a complaint under this Act,

(vii) has participated in any strike that is permitted by this Act, or

(viii) has exercised any right under this Act;

(b) impose any condition in a contract of employment that restrains, or has the effect of restraining, an employee from exercising any right conferred on the employee by this Act;

(c) seek by intimidation, dismissal, threat of dismissal or any other kind of threat, by the imposition of a pecuniary or other penalty or by any other means, to compel an employee to refrain from becoming or to cease to be a member, officer or representative of a trade union;

(d) suspend, discharge or impose any financial or other penalty on an employee, or take any other disciplinary action against an employee, by reason of that employee's having refused to perform an act prohibited by this Act;

(d.1) suspend, discharge or impose any financial or other penalty on an employee, or take any other disciplinary action against an employee, because the employee has made or refrained from making an election under section 26.1(3) or revoked or refrained from revoking an election under section 26.1(4);

(d.2) deduct union dues, assessments or initiation fees related to activities referred to in section 26.1(1)(a) without the **required** authorization;

(d.3) seek through coercion, intimidation, threats, promises or undue influence to compel an employee to make or refrain from making an election under section 26.1(3) or to revoke or refrain from revoking an election under section 26.1(4);

(e) bargain collectively for the purpose of entering into a collective agreement, or enter into a collective agreement, with a trade union in respect of a bargaining unit if that **employer** or **employers'** organization or person acting on behalf of it knows, or in the opinion of the Board ought to know, that another trade union is the bargaining agent for that unit;

(f) suspend, discharge, or impose any financial or other penalty on an employee, or take any other disciplinary action against an employee, by reason of the employee's refusal to perform all or some of the duties and responsibilities of another employee who is participating in a strike that is permitted under this Act;

(g) discriminate against a person in regard to employment or membership in a trade union or intimidate or threaten to dismiss or in any other manner coerce a person or impose a pecuniary or other penalty on a person, because the person:

(i) has testified or otherwise participated in or may testify or otherwise participate in a proceeding authorized or permitted under a collective agreement or a proceeding under this Act,

(ii) has made or is about to make a disclosure that the person may be **required** to make in a proceeding authorized or permitted under a collective agreement or a proceeding under this Act, or

(iii) has made an application or filed a complaint under this Act. **Section 149 (1) (a) to (iii).**

Alberta Human Rights Act

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).**

Further details can be found at Labour Relations Code and Alberta Human Rights Act.

BRITISH COLUMBIA

In British Columbia, off-duty conduct protections are addressed under the **Human Rights Code, Sections 13 and 21**. **Employers** are prohibited from refusing to hire or continue employing, or from discriminating against an individual based on protected characteristics such as Indigenous identity, race, religion, gender identity, or a criminal record unrelated to the job. These provisions emphasize the **employer**'s responsibility to ensure that employment decisions are based solely on qualifications and job performance, not on lawful off-duty behavior or personal attributes unrelated to the position.

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).**

Complaints

(1) Any person or group of persons that alleges that a person has contravened this Code may file a complaint with the tribunal in a form satisfactory to the tribunal.

(2) and (3) [Repealed 2002-62-7.]

(4) Subject to subsection (5), a complaint under subsection (1) may be filed on behalf of:

(a) another person, or

(b) a group or class of persons whether or not the person filing the complaint is a member of that group or class.

(5) A member or panel may refuse to accept, for filing under subsection (1), a complaint made on behalf of another person or a group or class of persons if that

member or panel is satisfied that:

(a) the person alleged to have been discriminated against does not wish to proceed with the complaint, or

(b) proceeding with the complaint is not in the interest of the group or class on behalf of which the complaint is made.

(6) A member or panel may proceed with 2 or more complaints together if a member or panel is satisfied that it is fair and reasonable in the circumstances to do so. **Section 21 (1) to (6).**

Further details on the Human Rights Code can be found at *Canlii.Org*.

MANITOBA

In Manitoba, off-duty conduct protections are outlined in the **Human Rights Code, Sections 14(1), 19(1), and 20**. **Employers must** not discriminate in any aspect of employment unless based on bona fide job requirements, and they are obligated to prevent and address harassment in the workplace. Additionally, any form of reprisal against individuals for exercising their rights under the Code—such as filing complaints or participating in proceedings—is strictly prohibited.

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.**

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).**

Reprisals

No person **shall** deny or threaten to deny any benefit, or cause or threaten to cause any detriment, to any other person on the ground that the other person:

(a) has filed or may file a complaint under this Code; or

(b) has laid or may lay an information under this Code; or

(c) has made or may make a disclosure concerning a possible contravention of this Code; or

(d) has testified or may testify in a proceeding under this Code; or

(e) has participated or may participate in any other way in a proceeding under this Code; or

(f) has complied with, or may comply with, an obligation imposed by this Code; or

(g) has refused or may refuse to contravene this Code. **Section 20 (a) to (g).**

Further details on the Human Rights Code can be found at *Gov.Mb.Ca*.

NEW BRUNSWICK

In New Brunswick, off-duty conduct protections are addressed under the **Human Rights Act, Sections 4, 6, 10(2), 17, 18, and 19**. **Employers must** not refuse to employ or continue employing someone, or discriminate in terms of employment, based on prohibited grounds such as race, religion, gender identity, disability, or criminal record unrelated to the job. They are also prohibited from allowing sexual harassment or retaliating against individuals who file complaints.

Discrimination in Employment

(1) 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.

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

(3) 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**.

(4) 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.

(6) The provisions of subsections (1), (2), (3) and (4) as to age do not apply to:

(a) the termination of employment or a refusal to employ because of the terms or conditions of any bona fide retirement or pension plan,

(b) the operation of the terms or conditions of a bona fide retirement or pension plan that have the effect of a minimum service requirement, or

(c) the operation of terms or conditions of a bona fide group or employee insurance

plan.

(7) The provisions of subsections (1), (2), (3) and (4) as to age do not apply to a limitation, specification, exclusion, denial or preference in relation to a person who has not attained the age of majority if the limitation, specification, exclusion, denial or preference is **required** or authorized by an Act of the Legislature or a regulation made under that Act.

(8) The provisions of subsections (1), (2), (3) and (4) as to physical disability and mental disability do not apply to the operation of the terms or conditions of a bona fide group or employee insurance plan. **Section 4 (1) to (8).**

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.

(2) Repealed: 2017, c.24, s.6.

(3) The provisions of subsection (1) as to age do not apply to a limitation, specification, exclusion, denial or preference in relation to a person who has not attained the age of majority if the limitation, specification, exclusion, denial or preference is **required** or authorized by an Act of the Legislature or a regulation made under that Act. **Section 6 (1) to (3).**

Sexual Harassment

(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**. **Section 10 (2).**

Complaints

A person claiming to be aggrieved because of an alleged violation of this Act may make a complaint in writing to the Commission in a form prescribed by the Commission. **Section 17.**

Time Limit for Making Complaint

(1) Subject to subsection (2), a complaint **shall** be filed within one year after the alleged violation of the Act.

(1.1) Despite subsection (1) and subject to subsection (2), if a continuing violation is alleged, the complaint **must** be filed within one year of the last alleged instance of the violation.

(2) The Commission may extend the time for the filing of a complaint if, in the opinion of the Commission, the circumstances warrant it. **Section 18 (1) (2).**

For more information:

- Delegation of certain duties and powers. **Section 18.1 (1) (2).**

- Complaint procedure. **Section 19 (1) to (4).**

Further details on the Human Rights Act can be found at *Laws.Gnb.Ca*.

NEWFOUNDLAND & LABRADOR

In Newfoundland and Labrador, off-duty conduct is protected under the **Human Rights Act**, **Sections 9, 13, 14, 16, and 20**. **Employers** are prohibited from discriminating in hiring, employment conditions, wages, or benefits based on grounds such as race, religion, gender identity, sexual orientation, or conviction for an offence unrelated to employment. **Employers** also cannot retaliate against individuals who file or support complaints.

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 individuals 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).**

Harassment of Occupant Prohibited

A person, directly or indirectly, alone or with another, by himself or herself only, or by the interposition of another, **shall** not harass a person or class of persons who occupies a commercial unit or a self-contained dwelling unit on the basis of a prohibited ground of discrimination. **Section 13.**

Discrimination in Employment

(1) An **employer**, or a person acting on behalf of an **employer**, **shall** not refuse to

employ or to continue to employ or otherwise discriminate against a person in regard to employment or a term or condition of employment on the basis of a prohibited ground of discrimination, or because of the conviction for an offence that is unrelated to the employment of the person.

(2) Subsection (1) does not apply to the expression of a limitation, specification or preference based on a good faith occupational qualification.

(3) An **employer**, or a person acting on behalf of an **employer**, **shall** not use, in the hiring or recruitment of persons for employment, an employment agency that discriminates against a person seeking employment on the basis of a prohibited ground of discrimination.

(4) A trade union **shall** not exclude a person from full membership or expel or suspend or otherwise discriminate against one of its members or discriminate against a person in regard to his or her employment by an **employer**, on the basis of a prohibited ground of discrimination.

(5) A person **shall** not use or circulate a form of application for employment or publish an advertisement in connection with employment or prospective employment or make a written or oral inquiry in connection with employment that expresses either directly or indirectly:

(a) a limitation, specification or preference based on a prohibited ground of discrimination; or

(b) an intent to:

(i) dismiss from employment,

(ii) refuse to employ or rehire, or

(iii) discriminate against a person on the basis of a prohibited ground of discrimination, but this subsection does not apply to the expression of a limitation, specification or preference based on a good faith occupational qualification.

(6) The provisions of subsections (1), (4) and (5) as to age **shall** not apply to:

(a) prevent the operation of a good faith retirement or pension plan;

(b) operation of the terms or conditions of a good faith retirement or pension plan which have the effect of a minimum service requirement; or

(c) operation of the terms or conditions of a good faith group or employee insurance plan.

(7) Paragraph (6)(a) does not apply to a provision of a good faith retirement or pension plan requiring a person to retire at an age set out in the plan.

(8) This section does not apply to an **employer:**

(a) that is an exclusively religious, fraternal or sororal organization that is not operated for private profit, where it is a reasonable and genuine qualification because of the nature of the employment; or

(b) with the exception of subsection (5) as it applies to advertising, in respect of the employment of a person to provide personal services.

(9) The right under this section to equal treatment with respect to employment is not

infringed where a judge is **required** to retire on reaching a specified age under the *Provincial Court Act, 1991.*

(10) In paragraph (8)(b) and subsection 15(5),

(a) "**employer**" means a person who employs a person to provide personal services to him or her or to a member of his or her family; and

(b) **"personal services"** means work of a domestic, custodial, companionship, personal care, child care, or educational nature, or other work within the private residence that involves frequent contact or communication with persons who live in the residence. **Section 14.**

For more information:

- Equal pay for same or similar work. **Section 16 (1) (3).**
- Protection of complainants and others. **Section 20.**

Further details on the Human Rights Act can be found at *Assembly.Nl.Ca*.

NOVA SCOTIA

In Nova Scotia, off-duty conduct protections are addressed under the **Human Rights Act, Sections 5, 8, and 11**. **Employers must** not discriminate in employment or hiring practices based on characteristics such as race, religion, sex, gender identity, disability, political belief, or association with protected individuals. This includes protection from harassment and retaliation when an employee files or supports a complaint.

Part I – Discrimination Prohibited

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.**

Further details on the Human Rights Act can be found at *Canlii.Org*.

NORTHWEST TERRITORIES

In the Northwest Territories, **employers** are **required** to address off-duty conduct concerns under the **Human Rights Act**, **Sections 7, 9, and 14**. **Employers must** not discriminate against employees or applicants on prohibited grounds such as race, religion, sex, disability, family status, or political opinion. This includes protections from unequal pay, harassment, and differential treatment in employment terms. **Employer** responsibilities extend to ensuring workplace decisions are free from bias related to lawful off-duty conduct unless a bona fide occupational requirement justifies otherwise.

Part 2 — Prohibitions

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).**

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.

Justified Differences in Pay

(2) For greater certainty, it is not a contravention of subsection (1) to pay an employee, or to cause or contribute to an employee being paid, at a rate of pay less than the rate paid to other employees employed in the same establishment who perform the same or substantially similar work for an **employer**, if the difference in the rate of pay is attributable to:

(a) a seniority system,

(b) a merit system,

(c) a system that measures earnings by quantity or quality of production or performance,

(d) a compensation or hiring system that recognizes the existence of a labour shortage in respect of the field of work,

(e) a compensation or hiring system that recognizes regional differences in the cost of living,

(f) a downgrading, reclassification or demotion process or system,

(g) the existence of a temporary rehabilitation or training program,

(g.1) a Transition Allowance provided under sections 7.43 to 7.45 of the Northwest Territories Lands and Resources Devolution Agreement that was made on June 25, 2013, or

(h) any other system or factor, that is not based on a prohibited ground of discrimination. **Section 9 (1) (2).**

For more information:

- Reduction of rate of pay prohibited. **Section 9 (3).**
- Employees in the same establishment. **Section 9 (4).**
- Similar or substantially similar work. **Section 9 (5).**
- Definition: “pay”. **Section 9 (6).**
- **Section 14.**
- Definition: “harass”. **Section 14 (2).**

Further details on the Human Rights Act can be found at *Gov.Nt.Ca*.

NUNAVUT

In Nunavut, **employers must** respect employee rights related to off-duty conduct under the **Human Rights Act**, **Sections 7 and 9**. These sections prohibit discrimination in employment based on personal characteristics such as race, religion, sex, gender identity, or lawful off-duty behavior. **Employers** cannot refuse to hire, terminate, or alter employment conditions due to an employee's lawful associations or actions outside of work. **Employers** have a duty to ensure that employment decisions are free from bias and that workplace practices accommodate differences unless doing so causes undue hardship.

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, 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).**

For more information:

- **Section 9(1) to (7).**

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

ONTARIO

In Ontario, **employers** are **required** to address off-duty conduct and its potential impact on workplace discrimination under the **Human Rights Code, Sections 1, 5, 7, and 8. Employers must** ensure equal treatment in employment and freedom from harassment without discrimination based on race, sex, gender identity, disability, or other protected grounds—even when such factors relate to lawful activities outside work. The Code protects employees from sexual solicitation, reprisal, and harassment by colleagues or superiors, reinforcing the **employer**'s duty to uphold a respectful and inclusive workplace culture.

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.**

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.

Harassment in Employment

(2) Every person who is an employee has a right to freedom from harassment in the workplace by the **employer** or agent of the **employer** or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual

orientation, gender identity, gender expression, age, record of offences, marital status, family status, or disability. **Section 5 (1) (2).**

Sexual Harassment in Accommodation

(1) Every person who occupies accommodation has a right to freedom from harassment because of sex, sexual orientation, gender identity or gender expression by the landlord or agent of the landlord or by an occupant of the same building.

Harassment Because of Sex in Workplaces

(2) Every person who is an employee has a right to freedom from harassment in the workplace because of sex, sexual orientation, gender identity or gender expression by his or her **employer** or agent of the **employer** or by another employee.

Sexual Solicitation by a Person in Position to Confer Benefit, etc.

(3) Every person has a right to be free from,

(a) a sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome; or

(b) a reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person. **Section 7 (1) to (3).**

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.**

Further details on the Human Rights Code can be found at *Ontario.Ca*.

PRINCE EDWARD ISLAND

In Northwest Territories, **employers must** address off-duty conduct and its employment implications under the **Human Rights Act, Sections 6, 14, and 15**. These provisions prohibit refusing to employ or continuing employment on a discriminatory basis—including past unrelated criminal convictions—and protect against discriminatory application forms and job advertisements. **Employers** are also responsible for preventing reprisals against employees who participate in complaints or investigations. Exceptions only apply in cases involving bona fide occupational qualifications or specific non-profit organizations. **Employers must** ensure fair hiring and disciplinary practices that respect protected rights both on and off duty.

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).**

Exceptions to Act

(1) Sections 2 to 13 do not apply:

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

(b) to 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, nationality, ancestry, or place of origin, and

(ii) is operated as a non-profit organization, of a notice, sign, symbol, emblem, or other representation indicating a purpose or membership qualification of the organization;

(c) to philanthropic, fraternal or service groups, associations or organizations, to the extent that they discriminate on the basis of sex in their qualifications for membership;

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

(e) to trusts, deeds, contracts, agreements or other instruments entered into before this Act comes into force.

Complainant, Onus of Proof

(2) The onus of proving that a qualification is a genuine qualification is on the **employer** or other person asserting that the qualification is a genuine qualification. **Section 14 (1) (2).**

Protection of Repudiation

No person **shall** evict, discharge, suspend, expel or otherwise discriminate against any person because he has made a complaint or given evidence or assisted in any way in respect of the initiation, inquiry or prosecution of a complaint or other proceeding under this Act. **Section 15.**

Further details on the Human Rights Act can be found at *Canlii.Org*.

QUÉBEC

In Quebec, **employers must** address off-duty conduct and employment discrimination under the **Charter of Human Rights and Freedoms, Sections 4, 10, 10.1, 15, 18.2, 19, and 46**. These provisions prohibit discrimination and harassment based on race, gender identity, criminal record (if unrelated to the job), or any protected ground, and mandate fair treatment, pay equity, and safe working conditions. **Employers** cannot dismiss or penalize individuals solely due to a past conviction unless it directly relates to the job.

Part I – Human Rights and Freedoms

Every person has a right to the safeguard of his dignity, honour and reputation. **Section 4.**

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 rights.

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

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 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 the 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.**

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 Charter of Human Rights and Freedoms can be found at *Gouv.Qc.Ca*.

SASKATCHEWAN

In Saskatchewan, **employers must** address off-duty conduct and employment discrimination under the **Saskatchewan Human Rights Code, Sections 9, 12, 16, and 29**. These provisions prohibit discriminatory employment practices based on prohibited grounds such as race, religion, disability, gender identity, or age, and require **employers** to avoid any bias in hiring, promotion, and workplace conditions. **Employers must** ensure that employment decisions are based on bona fide qualifications and not personal characteristics unrelated to the job.

Part 3 – Prohibition of Certain Discriminatory Practices

Right to Engage in Occupations

Every person and every class of persons has the right to engage in and carry on any occupation, business or enterprise under the law without discrimination on the basis of a prohibited ground. **Section 9.**

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:

- Part 5 – Complaints. **Section 29 (1) to (6).**

Further details on the Saskatchewan Human Rights Code can be found at *Saskatchewan.Ca*.

YUKON TERRITORY

In Yukon, **employers must** address off-duty conduct and discrimination in employment under the **Human Rights Act**, **Sections 7, 9, 14, 15, and 20**. These provisions prohibit discriminatory treatment in employment based on ancestry, religion, sex, disability, gender identity, political belief, criminal record, and other protected grounds. **Employers** are responsible for ensuring equal treatment in hiring, workplace conduct, and pay, and for preventing harassment or retaliation. Complaints related to such conduct **must** be investigated by the commission unless specific exceptions apply.

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).**

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:

- Part 4 – Complaints. **Section 20 (1) (2) (3).**

Further details on the Human Rights Act can be found at *Canlii.Org*.