Performance Review – Know The Laws Of Your Province



Discrimination regulations are vital for ensuring fairness, equity, and inclusivity in Canadian workplaces. These regulations require **employers** to provide equal employment opportunities, free from bias based on race, gender, age, disability, religion, sexual orientation, or other protected characteristics. Key **employer** responsibilities include establishing non-discriminatory hiring and promotion practices, accommodating employees to the point of undue hardship, and addressing systemic barriers. Workers **must** be informed of their rights and protected from harassment or reprisals. While core human rights principles apply across the country, specific legal obligations and enforcement mechanisms vary by province and territory. Adherence to these regulations strengthens workforce diversity, reduces legal risks, and fosters respectful, productive work environments.

FEDERAL

In Canada, **employers must** ensure fair performance evaluations under the **Employment Equity Act Sections 5, 6, and 9** and the **Public Service Employment Act Sections 31 and 36**. They are **required** to review employment systems, identify and remove barriers, and ensure assessments—like interviews or past performance reviews—are free from bias. Qualification standards **must** be evaluated for fairness, and representation of designated groups **must** reflect the Canadian workforce.

Employment Equity Act

PART I – Employment Equity – Employer Obligations – Employer's duty

Every **employer shall** implement employment equity by:

(a) identifying and eliminating employment barriers against persons in designated groups that result from the **employer**'s employment systems, policies and practices that are not authorized by law; and

(b) instituting such positive policies and practices and making such reasonable accommodations as will ensure that persons in designated groups achieve a degree of representation in each occupational group in the **employer**'s workforce that reflects

their representation in:

(i) the Canadian workforce, or

(ii) those segments of the Canadian workforce that are identifiable by qualification, eligibility or geography and from which the **employer** may reasonably be expected to draw employees.

Employer not Required to take Certain Measures

The obligation to implement employment equity does not require an **employer:**

(a) to take a particular measure to implement employment equity where the taking of that measure would cause undue hardship to the **employer**;

(b) to hire or promote persons who do not meet the essential qualifications for the work to be performed;

(c) with respect to the public sector, to hire or promote persons without basing the hiring or promotion on merit in cases where the Public Service Employment Act requires that hiring or promotion be based on merit; or

(d) to create new positions in its workforce. **Section 6.**

Analysis and Review

(1) For the purpose of implementing employment equity, every **employer shall:**

(a) collect information and conduct an analysis of the **employer**'s workforce, in accordance with the regulations, in order to determine the degree of the underrepresentation of persons in designated groups in each occupational group in that workforce; and

(b) conduct a review of the **employer**'s employment systems, policies and practices, in accordance with the regulations, in order to identify employment barriers against persons in designated groups that result from those systems, policies and practices.

Self-Identification

(2) Only those employees who identify themselves to an **employer**, or agree to be identified by an **employer**, as Aboriginal peoples, members of visible minorities or persons with disabilities are to be counted as members of those designated groups for the purposes of implementing employment equity.

Confidentiality of Information

(3) Information collected by an **employer** under paragraph (1)(a) is confidential and **shall** be used only for the purpose of implementing the **employer**'s obligations under this Act. **Section 9 (1) to (3).**

For more information:

- Public Service Employment Act – Qualification standards. **Sections 31 (1) to (3).**
- Assessment methods. **Sections 36 (1)(2).**

Further details on the Employment Equity Act and Public Service Employment Act can be found at justice.gc.ca and justice.gc.ca.

ALBERTA

In Alberta, **employers** are responsible for fair employment practices and safety compliance under the **Occupational Health and Safety Code Sections 2.2, 3.1 to 3.3, and Alberta Human Rights Act, Section 7**. They **must** designate competent persons to develop **required** safety plans, ensure equipment meets standards, and verify that workers use appropriate protective gear. **Employers must** also ensure workers fulfill their duties under the Code. Discrimination in employment based on characteristics like age, disability, or gender is prohibited unless it involves a bona fide occupational requirement.

Occupational Health and Safety Code

Part 1 – Definitions and General Application

Designated Person to Prepare Plan

If a requirement of this Code imposes a duty on an **employer** with respect to the development or preparation of a plan, the **employer must** ensure that the plan is developed or prepared by a designated person who is competent in the principles and practices of the work described in the plan. **Section 2.2.**

Previous Editions of Referenced Standards

If a standard referenced in this Code applies to equipment manufactured or installed or personal protective equipment manufactured on or after a specified effective date, an **employer must** ensure that equipment manufactured or installed or personal protective equipment manufactured prior to that date was approved to or, as applicable, met the requirements of the edition of the referenced standard that was in effect at the time the equipment was manufactured or installed or the personal protective equipment was manufactured. **Section 3.1.**

Equipment

If a worker is **required** under the Act, the regulations or this Code to use or wear specific equipment or personal protective equipment, the **employer** and supervisor **must** ensure that the worker uses or wears the equipment or personal protective equipment at the work site. **Section 3.2.**

Performance of Duty by Worker

If this Code imposes a duty on a worker, the worker's **employer must** ensure that the worker performs that duty. **Section 3.3.**

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).**

Further details on the Occupational Health and Safety Code and Alberta Human Rights Act can be found at alberta.ca and alberta.

BRITISH COLUMBIA

In British Columbia, **employers** are responsible for fair staffing and non-discriminatory employment practices under the **Public Service Act Sections 19–20.01** and the **Human Rights Code Section 13**. **Employers must** ensure appointments in the public service are based on merit, and unsuccessful applicants have the right to request a review by the merit commissioner if merit principles are not followed. The merit commissioner has authority to compel evidence and take action if non-compliance is found. Additionally, **employers** are prohibited from discriminating in hiring, continued employment, or conditions of work based on characteristics such as race, disability, gender, or age, except where a bona fide occupational requirement applies.

Public Service Act

Part 4 – Review of Staffing Decisions

Review by Merit Commissioner

(1) An employee who is an unsuccessful applicant for an appointment to a position in a bargaining unit under the *Public Service Labour Relations Act* who has made a request under section 18 and disagrees with the decision of the deputy minister or designate under that section may request a review of the appointment by the merit commissioner on the ground that section 8 (1) has not been complied with.

(2) A request under subsection (1) **must** be made in writing within the prescribed period to the merit commissioner and may only be based upon the grounds submitted to the deputy minister under section 18 (2).

(3) Subject to the regulations, the merit commissioner **must** establish the procedure for the expeditious consideration of requests for reviews under subsection (1).

(4) If an applicant requests a review under subsection (1), the merit commissioner **must**, before undertaking the review, inform the deputy minister of the review.

(5) The merit commissioner may summarily dismiss a request for a review under subsection (1) if:

(a) the request for review is not made within the time limit prescribed under subsection (2),

(b) the merit commissioner considers that the request for review is frivolous, vexatious or trivial or is not made in good faith,

(c) the request for review does not contain sufficient information to determine whether section 8 (1) has been complied with, or

(d) the grounds, even if proven, are not sufficient to establish that section 8 (1)

has not been complied with.

(6) After conducting a review, the merit commissioner may:

(a) dismiss the review, or

(b) direct that the appointment or the proposed appointment be reconsidered.

(7) This section does not apply with respect to an appointment to the public service that is referred to in section 10. **Section 19 (1) to (7).**

Power to Compel Persons to Answer Questions and Order Disclosure

(1) For the purposes of a review under section 19, the merit commissioner may make an order requiring a person to do either or both of the following:

(a) attend, in person or by electronic means, before the merit commissioner to answer questions on oath or affirmation, or in any other manner;

(b) produce for the merit commissioner a record or thing in the person's possession or control.

(2) The merit commissioner may apply to the Supreme Court for an order:

(a) directing a person to comply with an order made under subsection (1), or

(b) directing any directors and officers of a person to cause the person to comply with an order made under subsection (1). **Section 20 (1)(2).**

Contempt Proceeding for Uncooperative Person

The failure or refusal of a person subject to an order under section 20 to do any of the following makes the person, on application to the Supreme Court by the merit commissioner, liable to be committed for contempt as if in breach of an order or judgment of the Supreme Court:

(a) attend before the merit commissioner;

(b) take an oath or make an affirmation;

(c) answer questions;

(d) produce records or things in the person's possession or control. **Section 20.01.**

Human Rights Code

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 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 (1) to (4).**

Further details on the Public Service Act and Human Rights Code can be found at gov.bc.ca and gov.bc.ca.

MANITOBA

In New Brunswick, **employers must** uphold fairness in employment practices under **The Human Rights Code Sections 12 and 14**. **Employers** are prohibited from discriminating in any aspect of employment—including hiring, training, promotion, compensation, and workplace conditions—unless the decision is based on bona fide and reasonable requirements. Furthermore, **Section 12** emphasizes that failing to provide reasonable accommodation constitutes discrimination, reinforcing the **employer**'s duty to proactively address individual needs in the workplace.

The Human Rights Code

PART II – PROHIBITED CONDUCT AND SPECIAL PROGRAMS

Reasonable Accommodation Required

For the purpose of interpreting and applying sections 13 to 18, the right to discriminate where bona fide and reasonable cause exists for the discrimination, or where the discrimination is based upon bona fide and reasonable requirements or qualifications, does not extend to the failure to make reasonable accommodation within the meaning of clause 9(1)(d). **Section 12.**

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.

"Any Aspect", etc. Defined

(2) In subsection (1), "any aspect of an employment or occupation" includes:

(a) the opportunity to participate, or continue to participate, in the employment or occupation;

(b) the customs, practices and conditions of the employment or occupation;

(c) training, advancement or promotion;

(d) seniority;

(e) any form of remuneration or other compensation received directly or indirectly in respect of the employment or occupation, including salary, commissions, vacation pay, termination wages, bonuses, reasonable value for board, rent, housing and lodging, payments in kind, and **employer** contributions to pension funds or plans, long-term disability plans and health insurance plans; and

(f) any other benefit, term or condition of the employment or occupation. **Section 14 (1)(2).**

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

NEW BRUNSWICK

In New Brunswick, **employers** are **required** to prevent discrimination in employment under **The Human Rights Act Section 4(1) to 4(8). Employers must** not refuse to hire, continue employment, or impose discriminatory terms based on prohibited grounds such as race, age, gender, disability, or religion. This duty extends to employment agencies, trade unions, and **employer** organizations, and includes the prohibition of discriminatory job ads, application forms, and interview practices.

Discrimination in Employment

(1) No person **shall**, based on prohibited grounds 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).**

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

NEWFOUNDLAND & LABRADOR

In Newfoundland and Labrador, **employers must** prevent discrimination in employment under **The Human Rights Act, Part II, Section 14(1) to (10). Employers**, employment agencies, and trade unions are prohibited from refusing employment, terminating, or applying discriminatory conditions based on prohibited grounds such as race, age, gender, disability, or unrelated criminal convictions. Exceptions exist for good faith occupational qualifications and legitimate retirement or insurance plans. Discriminatory job advertisements or application processes are also restricted. **Employers must** ensure equitable hiring and workplace practices, upholding fair treatment and equal opportunity for all individuals.

PART II – PROHIBITIONS

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 (1) to (10).**

Further details on the Human Rights Act can be found at canlii.org.

NOVA SCOTIA

In Nova Scotia, **employers** are **required** to prevent discrimination in employment under **The Human Rights Act, Sections 5(1), 8**. Discrimination based on factors such as age, race, gender identity, disability, religion, or political belief is strictly prohibited in hiring, job advertisements, and recruitment inquiries. Sexual and discriminatory harassment are also explicitly banned. **Employers**, employment agencies, and unions **must** ensure that all employment-related practices are free from bias and reflect principles of equity and inclusion, unless a bona fide exception under Section 6 applies.

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).**

Further details on the Human Rights Act can be found at canlii.org.

NORTHWEST TERRITORIES

In the Northwest Territories, **employers must** prevent discrimination in the workplace under **The Human Rights Act, Section 7(1) to (6)**. It is prohibited to refuse employment or apply discriminatory terms based on a prohibited ground such as race, age, disability, or gender. However, exceptions apply for bona fide occupational requirements, retirement or insurance plans, and certain non-profit or family-run organizations. To justify differential treatment, **employers must** demonstrate that accommodating an individual's needs would result in undue hardship.

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).**

Further details on the Human Rights Act can be found at canlii.org.

NUNAVUT

In Nunavut, **employers must** ensure fairness and non-discrimination during performance reviews under the **Human Rights Act, Sections 7(1)(2), and 15**. **Employers** are prohibited from discriminating based on characteristics such as race, age, sex, disability, or gender identity, and **must** avoid any retaliatory actions related to human rights complaints or participation in related proceedings.

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. **Section 7(1)(2).**

Discharge, Suspension, and Intimidation

No person **shall** discharge, expel, evict, suspend, intimidate, coerce, impose any pecuniary penalty on, deny a right or benefit to or otherwise retaliate against any individual because the individual:

(a) has notified or attempted to notify the Tribunal with respect to a human rights issue under this Act;

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

(c) has assisted in any way in,

(i) notifying or attempting to notify the Tribunal with respect to a human rights issue under this Act, or

(ii) the settlement, investigation or adjudication of a notification under this Act. **Section 15.**

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

ONTARIO

In Ontario, **employers must** address employment discrimination under **The Human Rights Code, Sections 5, 8, and 11**. All individuals have the right to equal treatment in employment without discrimination based on race, gender, age, disability, or other prohibited grounds. This includes protection from workplace harassment and reprisals for asserting one's rights. **Employers must** avoid indirect or constructive discrimination, and if workplace requirements negatively impact protected groups, they are obligated to accommodate those needs unless doing so causes undue hardship, considering cost, funding, and safety.

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.

(2) The Tribunal or a court **shall** not find that a requirement, qualification or factor is reasonable and *bona fide* in the circumstances unless it is satisfied that the needs of the group of which the person is a member 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.

(3) The Tribunal or a court **shall** consider any standards prescribed by the regulations for assessing what is undue hardship. **Section 11 (1) to (3).**

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

PRINCE EDWARD ISLAND

In Prince Edward Island, **employers must** comply with **The Human Rights Act, Section 6**, which prohibits discrimination in employment on the basis of protected grounds such as race, gender, disability, or prior unrelated convictions. **Employers**, employment agencies, and advertisers **must** not use discriminatory criteria in job postings, application forms, or hiring practices. Reasonable exceptions apply only where a genuine occupational qualification exists.

PART I – DISCRIMINATION PROHIBITED

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).**

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

QUÉBEC

In Quebec, **employers** are **required** to address discrimination and employment equity under **Charter of Human Rights and Freedoms, Sections 10, 16, and 46. Employers must** ensure that hiring, training, promotions, and employment conditions are free from distinctions based on race, sex, disability, gender identity, and other protected grounds. Discrimination includes actions that impair or nullify a person's right to equal employment. Additionally, all workers have the right to fair and reasonable working conditions that respect their health and wellbeing.

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 rights. **Section 10.**

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

CHAPTER IV – ECONOMIC AND SOCIAL RIGHTS

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 employment discrimination under **The Saskatchewan Human Rights Code, Section 16**. **Employers** are prohibited from refusing to hire, retain, or treating individuals unfairly in any aspect of employment based on prohibited grounds such as age, disability, sex, or religion. This includes practices by employment agencies and co-workers. **Employers must** ensure fair hiring, promotion, and workplace practices, except where a bona fide occupational requirement applies.

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).**

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

YUKON TERRITORY

In Saskatchewan, **employers must** address employment discrimination under **The Saskatchewan Human Rights Code, Sections 7 and 9**. **Employers** are prohibited from refusing to hire, retain, or treating individuals unfairly in any aspect of employment based on prohibited grounds such as age, disability, sex, or religion. This includes practices by employment agencies and co-workers. **Employers must** ensure fair hiring, promotion, and workplace practices, except where a bona fide occupational requirement applies.

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).**

Further details on the Human Rights Act can be found at canlii.org.