

Political Belief Protections Under Human Rights Laws – Know The Laws Of Your Province



Human rights laws ban employment discrimination on the basis of specific protected characteristics, including race, age, religion, sex, etc. In 9 jurisdictions, political belief is among these protected characteristics. Some of these provinces also extend protection to political association/affiliation and/or political activity. Here's the breakdown of the scope of human rights laws political-based protections in each jurisdiction:

- **Just political belief:** British Columbia, Newfoundland, Prince Edward Island, Québec.
- **Political belief and political activity:** New Brunswick.
- **Political belief and political association:** Northwest Territories.
- **Political belief, political association and political activity:** Manitoba, Nova Scotia, Yukon.
- **No political protections:** Federal, Alberta, Nunavut, Ontario, Saskatchewan.

None of the jurisdictions that have political protections actually define the characteristic they're protecting. Exception: Prince Edward Island defines "political belief" narrowly in terms of belief in or activities associated with a recognized political party.

The next closest thing to a definition is a 2018 case ruling from the BC Human Rights Tribunal setting out general guidelines for what does and doesn't constitute "political belief" under that province's human rights law.

Here's a summary of human rights political protections in each part of Canada. Two important caveats to keep in mind:

1. Individual freedom of speech, belief and association are protected by the Canadian Charter; and
2. In the employment context, an employee's Charter and human rights political belief and speech rights are subject to an [employer's right to regulate workplace behaviour, including political discussion and activity at work, for legitimate purposes](#) such as ensuring safety, preventing discrimination and

harassment, and protecting the company's reputation and confidential information.

FEDERAL

Canadian Human Rights Act doesn't expressly protect or address political belief, speech, or expression.

ALBERTA

Alberta Human Rights Act doesn't expressly protect or address political belief, speech, or expression.

BRITISH COLUMBIA

1. It's illegal to refuse to employ or refuse to continue to employ a person, or discriminate against a person regarding employment or any term or condition of employment, because of, among other things, political belief (*Human Rights Code*, Sec. 13).
2. It's illegal to publish or cause to be published an advertisement in connection with employment or prospective employment that expresses a limitation, specification, or preference as to, among other things, political belief (*Human Rights Code*, Sec. 11).
3. It's illegal for a trade union, employers' organization, or occupational association to exclude any person from membership, expel, or suspend any member, or discriminate against any person or member, because of, among other things, political belief (*Human Rights Code*, Sec. 14).
4. Human Rights Code doesn't define "political speech."
5. According to general guidelines set out in a 2018 BC Human Rights Commission ruling, political belief should:
 - a. Be determined on the facts and circumstances of each case.
 - b. Be given a liberal definition, not confined to partisan political beliefs, yet with reasonable limitations.
 - c. Have a factual foundation with a reasonable level of cogency and cohesion, to ensure there's "sufficient tangibility" to the belief.
 - d. Be genuinely held and not just a passing idea or position taken for convenience or advantage in the circumstances in which the conflict arises.
 - e. Be core to a person's concept of a system of social cooperation, reaching further than matters such as operational decisions that an employer or other entity may make ([Pozsar v. City of Maple Ridge](#), 2018 BCHRT 107 (CanLII)).

MANITOBA

1. Ban on discrimination includes discrimination on the basis of political belief, political association and political activity (*Human Rights Code*, Sec. 9(2)(k)).
2. *Human Rights Code* doesn't define political belief, political association, or political activity.

NEW BRUNSWICK

1. Ban on discrimination includes discrimination on the basis of political belief or activity (*Human Rights Act*, Sec. 2.1(p)).
2. *Human Rights Act* doesn't define political belief or activity.

NEWFOUNDLAND & LABRADOR

1. Ban on discrimination includes discrimination on the basis of political opinion (*Human Rights Act*, Sec. 9(1)).
2. *Human Rights Act* doesn't define political opinion.

NOVA SCOTIA

1. Ban on discrimination includes discrimination on the basis of political belief, affiliation or activity (*Human Rights Act*, Sec. 5(1)(u)).
2. *Human Rights Act* doesn't define political belief, affiliation or activity.

NORTHWEST TERRITORIES

1. Ban on discrimination includes discrimination on the basis of political belief and political association (*Human Rights Act*, Sec. 5(1)).
2. *Human Rights Act* doesn't define political belief or political association.

NUNAVUT

Human Rights Act doesn't expressly protect or address political belief, speech, or expression.

ONTARIO

Human Rights Code doesn't expressly protect or address political belief, speech, or expression.

PRINCE EDWARD ISLAND

1. Ban on discrimination includes discrimination on the basis of political belief (*Human Rights Act*, Sec. 2).
2. "Political belief" is defined as belief in the tenets of a political party that is at the relevant time registered under section 24 of the *Election Act*, as evidenced by:
 - a. membership of or contribution to that party, or
 - b. open and active participation in the affairs of that party (*Human Rights Act*, Sec. 1(1)(m)).
3. The person complaining of political belief discrimination has the burden of establishing an allegation of discrimination or action on a discriminatory

basis in relation to political belief (*Human Rights Act*, Sec. 1(3)).

QUÉBEC

1. 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, among other things, political convictions (*Charter of Human Rights & Freedoms*, Sec. 10).
2. *Charter of Human Rights & Freedoms* doesn't define "political convictions."

SASKATCHEWAN

Saskatchewan Human Rights Code doesn't expressly protect or address political belief, speech, or expression.

YUKON TERRITORY

1. Ban on discrimination includes discrimination on the basis of political belief, political association, or political activity (*Human Rights Act*, Sec. 7(j)).
2. *Human Rights Act* doesn't define political belief, political association, or political activity.