

# Progressive Discipline – Know The Laws Of Your Province



Progressive discipline regulations are vital for ensuring fair and lawful workplace practices across Canada. These regulations require **employers** to address employee performance and conduct issues consistently, fairly, and without discrimination, while respecting human rights obligations such as reasonable accommodation. Measures typically include verbal warnings, written notices, suspensions, and, if necessary, termination, all applied with clear documentation and procedural fairness. While general principles of progressive discipline are consistent across Canada, specific obligations and human rights protections vary slightly by province and territory to reflect local legislation. Compliance with these regulations minimizes legal risks, supports employee rights, and promotes a culture of fairness and respect in the workplace.

## FEDERAL

In Canada, human rights law, particularly the [Canadian Human Rights Act \(Part I, Sections 3, 7, 10 and 14.1\)](#), significantly shapes progressive discipline. **Employers** are responsible for ensuring all disciplinary actions are non-discriminatory based on protected grounds and free from retaliation. Fair and consistent application is essential.

Progressive discipline is not directly defined in human rights legislation but intersects with human rights law when disciplinary actions impact protected rights, such as those based on disability, religion, sex, or other characteristics. Below are the relevant sections from federal and key provincial acts that apply in the context of human rights and progressive discipline.

### **Part I – Proscribed Discrimination**

#### **General**

#### **Prohibited Grounds of Discrimination**

(1) For all purposes of this Act, the prohibited grounds of discrimination are race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender

identity or expression, marital status, family status, genetic characteristics, disability, and conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

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

(3) Where the ground of discrimination is refusal of a request to undergo a genetic test or to disclose, or authorize the disclosure of, the results of a genetic test, the discrimination **shall** be deemed to be on the ground of genetic characteristics.

**Section 3 (1) to (3).**

### **Multiple Grounds of Discrimination**

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

### **Employment**

It is a discriminatory practice, directly or indirectly,

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

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

### **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.**

### **Retaliation**

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

**Further details on the Canadian Human Rights Act can be found at [justice.gc.ca](http://justice.gc.ca).**

## **ALBERTA**

In Alberta, the Alberta **Human Rights Act**, specifically **Sections 7(1), 8(1), and 10(1)**, governs progressive discipline by prohibiting discriminatory employment practices and retaliation based on protected grounds. **Employers** are responsible for ensuring fair and non-discriminatory application.

In Alberta, progressive discipline intersects with human rights when disciplinary

actions may unfairly impact someone based on a protected ground (e.g., disability, religion, race). While the Alberta Human Rights Act does not explicitly use the term “progressive discipline,” it sets legal limits on how discipline can be applied in workplaces.

### **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. **Section 7.**

### **Applications and Advertisements re: Employment**

(1) 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 written or oral inquiry of an applicant:

(a) that expresses either directly or indirectly any limitation, specification or preference indicating discrimination on the basis 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, or

(b) that requires an applicant to furnish any information concerning 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. **Section 8 (1).**

### **Prohibitions Regarding Complaints**

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

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

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

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

(d) has assisted in any way in:

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

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

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

**Further details on the Alberta Human Rights Act can be found at [alberta.ca](http://alberta.ca).**

## **BRITISH COLUMBIA**

In British Columbia, **employers must** ensure disciplinary actions comply with the **Human Rights Code**, **Sections 13(1)(2)4), 14**. These sections prohibit discrimination in employment and union practices based on factors like race, disability, gender identity, or unrelated criminal convictions. **Employers** are responsible for applying discipline fairly, accommodating employees when **required**, and avoiding biased or discriminatory practices. This ensures lawful, equitable, and respectful workplace management.

In British Columbia, while “progressive discipline” is not explicitly mentioned in human rights legislation, the BC Human Rights Code prohibits discriminatory disciplinary actions in employment and requires accommodation where applicable.

### **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).

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

### **Discrimination by Unions and Associations**

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

(a) exclude any person from membership,

(b) expel or suspend any member, or

(c) discriminate against any person or member because of the Indigenous identity, race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age of that person or member, or because that person or member has been convicted of a criminal or summary conviction offence that is unrelated to the membership or intended membership. **Section 14**.

**Further details on the Human Rights Code can be found at [gov.bc.ca](http://gov.bc.ca).**

## **MANITOBA**

In Manitoba, **employers must** apply disciplinary measures in line with **The Human Rights Code**, **Sections 9(1)(a), 9(2), 14(1), 15(2), and 20**, which prohibit discrimination and

reprisals in employment based on protected characteristics such as disability, age, sex, religion, or social disadvantage. While “progressive discipline” is not named, **employers** are responsible for ensuring discipline is fair, non-discriminatory, and does not penalize individuals for exercising their rights under the Code.

In Manitoba, progressive discipline **must** comply with The Human Rights Code (C.C.S.M. c. H175) when disciplinary actions involve or affect protected characteristics such as disability, age, sex, religion, or others. Although the Code does not explicitly mention “**progressive discipline**”, it sets legal limits on how discipline can be applied fairly in the workplace.

## **PART II – PROHIBITED CONDUCT AND SPECIAL PROGRAMS**

### **“Discrimination” Defined**

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

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

### **Applicable Characteristics**

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

(a) ancestry, including colour and perceived race;

(b) nationality or national origin;

(c) ethnic background or origin;

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

(e) age;

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

(g) gender identity;

(h) sexual orientation;

(i) marital or family status;

(j) source of income;

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

(l) physical or mental disability or related characteristics or circumstances, including reliance on a service animal, a wheelchair, or any other remedial appliance or device;

(m) social disadvantage. **Section 9 (1)(2).**

### **Discrimination in Employment**

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

requirements or qualifications for the employment or occupation. **Section 14 (1).**

### **Life Insurance, etc., Contracts**

(2) The Lieutenant Governor in Council may make regulations prescribing distinctions, conditions, requirements or qualifications that, for the purposes of this section, **shall** be deemed to be bona fide and reasonable in respect of life insurance, accident and sickness insurance or life annuities, whether provided for by individual contract, collective agreement, or otherwise. **Section 15 (2).**

### **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.**

**Further details on the Human Rights Code can be found at [gov.mb.ca](http://gov.mb.ca).**

### **NEW BRUNSWICK**

In New Brunswick, **employers must** ensure disciplinary actions align with [The Human Rights Act, Sections 4\(1\), 2, 7.1, and 10](#), which prohibit discrimination and harassment based on characteristics like disability, sex, religion, and age. While “**progressive discipline**” is not explicitly referenced, **employers** are responsible for applying discipline fairly and without bias, ensuring accommodation and protection from sexual harassment or retaliatory practices in the workplace.

Progressive discipline intersects with human rights law when disciplinary measures affect individuals based on protected characteristics such as disability, age, religion, or sex. Although the New Brunswick Human Rights Act does not directly reference “**progressive discipline**”, it regulates how disciplinary actions **must** comply with anti-discrimination and accommodation obligations.

### **Prohibited Grounds of Discrimination**

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

- (a) race,
- (b) colour,
- (c) national origin,

- (d) ancestry,
- (e) place of origin,
- (f) creed or religion,
- (g) age,
- (h) physical disability,
- (i) mental disability,
- (j) marital status,
- (k) family status,
- (l) sex,
- (m) sexual orientation,
- (n) gender identity or expression,
- (o) social condition, and
- (p) political belief or activity. **Section 2.1.**

#### **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. **Section 4 (1).**

#### **Sexual Harassment**

- (1) The following definitions apply in this section.

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

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

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

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

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

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

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

(6) For the purposes of this section:

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

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

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

**For more information:**

- Discriminatory notices or signs. **Sections 7 (1) to (4).**

**Further details on the Human Rights Act can be found at [laws.gnb.ca](https://laws.gnb.ca).**

## **NEWFOUNDLAND & LABRADOR**

In Newfoundland and Labrador, **employers must** ensure disciplinary actions comply with the **Human Rights Act, 2010, Sections 9(1), 14, and 20**, which prohibit discrimination and retaliation based on characteristics such as disability, sex, religion, or age. While “**progressive discipline**” is not explicitly mentioned, **employers** are responsible for applying discipline fairly, accommodating protected characteristics, and safeguarding employees from discriminatory or retaliatory practices in the workplace.

In Newfoundland and Labrador, progressive discipline **must** align with the Human Rights Act, 2010, which protects individuals from discrimination in employment, including disciplinary measures. While the Act does not explicitly mention “**progressive discipline**,” it prohibits discriminatory or retaliatory discipline and requires reasonable accommodation in employment practices.

## **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. **Section 9 (1).**

### **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).**

**For more information:**

- Protection of complainants and others. **Sections 20.**

**Further details on the Human Rights Act can be found at [assembly.nl.ca](http://assembly.nl.ca).**

## **NOVA SCOTIA**

In Nova Scotia, **employers must** ensure that progressive discipline complies with the **Human Rights Act, Sections 5(1) and 6**, which prohibit discrimination in employment based on protected characteristics such as disability, sex, religion, or age. Although the Act does not explicitly reference “**progressive discipline**,” disciplinary measures **must** be applied fairly, without bias, and with reasonable accommodation where **required**, ensuring compliance with anti-discrimination provisions.

In Nova Scotia, progressive discipline **must** comply with the Nova Scotia Human Rights Act, which prohibits discrimination in employment and requires accommodation for protected characteristics. Although the Act does not explicitly mention “**progressive discipline**,” it regulates how disciplinary measures **must** be applied fairly, without discrimination, and with consideration for accommodation.

### **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). **Section 5 (1).**

**For more information:**

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

Further details on the Human Rights Act can be found at [nslegislature.ca](https://www.nslegislature.ca).

## **NORTHWEST TERRITORIES**

In the Northwest Territories, **employers must** ensure that progressive discipline aligns with the [Human Rights Act, Sections 5\(1\)\(2\), 6, 7, and 11](#), which prohibit discrimination in employment and mandate reasonable accommodation. While the Act does not specifically mention "**progressive discipline**," it requires that disciplinary measures be applied fairly, without bias, and with consideration for protected characteristics such as disability, sex, age, or political belief, ensuring that no employee is unjustly penalized or treated differently in the workplace.

In the Northwest Territories, progressive discipline **must** comply with the Human Rights Act, S.N.W.T. 2002, c. 18, which prohibits discrimination in employment and requires reasonable accommodation. While the Act does not use the term "**progressive discipline**," it provides a legal framework that ensures disciplinary actions are not discriminatory, are applied fairly, and respect protected characteristics.

## **PART 2 – PROHIBITIONS**

### **Prohibited Grounds of Discrimination and Intent**

#### **Prohibited Grounds of Discrimination**

- (1) For the purposes of this Act, the prohibited grounds of discrimination are race,

colour, ancestry, nationality, ethnic origin, place of origin, creed, religion, age, disability, sex, sexual orientation, gender identity or expression, marital status, family status, family affiliation, political belief, political association, social condition, and a conviction that is subject to a pardon or record suspension.

### **Pregnancy**

(2) Whenever this Act protects an individual from discrimination on the basis of sex, the protection includes, without limitation, the protection of a female from discrimination on the basis that she is or may become pregnant. **Section 5 (1)(2).**

### **Intent**

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

### **Employment**

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

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

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

### **Goods, Services, Accommodation, and Facilities**

(1) No person **shall**, on the basis of a prohibited ground of discrimination and without a bona fide and reasonable justification,

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

(b) discriminate against any individual or class of individuals with respect to any goods, services, accommodation or facilities that are customarily available to the public.

### **Duty to Accommodate**

(2) In order for the justification referred to in subsection (1) to be considered bona fide and reasonable, 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.

### **Owner of Business may give Preference in Goods, etc.**

(3) It is not a contravention of subsection (1) for an owner of a business to give preference in goods, services, accommodation or facilities, on the basis of family affiliation, to a member of his or her family. **Section 11 (1) to (3).**

Further details on the Human Rights Act can be found at [gov.nt.ca](http://gov.nt.ca).

### **NUNAVUT**

In Nunavut, **employers must** uphold fair and non-discriminatory practices when applying progressive discipline under the [Human Rights Act](#), **Sections 7(1), 7(5), 8, and 12(2).**

These sections prohibit discrimination and harassment in employment based on personal characteristics such as race, age, disability, or gender identity, regardless of intent. **Employers** are responsible for ensuring that disciplinary actions are not influenced by bias and that they provide reasonable accommodation where needed to avoid unjust outcomes.

## **PART 2 – PROHIBITIONS**

### **Prohibited Grounds of Discrimination**

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

### **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. **Section 7 (1)(5).**

### **Intent**

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

### **Duty to Accommodate**

(2) When a practice referred to in subsection (1) results in discrimination, in order for the justification to be considered to be made in good faith and reasonable, 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. **Section 12 (2).**

**Further details on the Human Rights Act can be found at [nunavutlegislation.ca](http://nunavutlegislation.ca).**

## **ONTARIO**

In Ontario, **employers must** ensure that progressive discipline is applied in accordance with the [Human Rights Code](#), **Sections 5(1), 8, 11(1), and 17(2)**. Although the Code does not explicitly reference “**progressive discipline**,” it requires that all disciplinary measures be fair, consistent, and non-discriminatory, particularly in cases involving protected characteristics such as disability, age, sex, or race. **Employers** are also obligated to accommodate employees to the point of undue hardship before imposing discipline, thereby promoting equitable treatment and compliance with human rights obligations in the workplace.

In Ontario, **progressive discipline must** comply with the Ontario **Human Rights Code**, which prohibits discrimination in employment and requires accommodation for protected

characteristics. While the Code does not directly mention the term “**progressive discipline**,” it governs how disciplinary actions **must** be applied fairly, consistently, and without discrimination.

## **PART I – FREEDOM FROM DISCRIMINATION**

### **Employment**

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

### **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.**

## **PART II – INTERPRETATION AND APPLICATION**

### **Constructive Discrimination**

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

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

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

### **Accommodation**

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

**Further details on the Human Rights Code can be found at [ontario.ca](http://ontario.ca).**

## **PRINCE EDWARD ISLAND**

In Prince Edward Island, **employers must** ensure that progressive discipline aligns with the [Human Rights Act](#), **Sections 2, 6(1), 7(1), and 11**, which prohibit discrimination in employment, compensation, and conditions of work. While the Act does not specifically mention “progressive discipline,” it requires that any disciplinary actions be applied fairly and without bias related to protected characteristics such as age, disability, sex, or criminal record unrelated to the job. **Employers** are also obligated to accommodate employees unless doing so would affect legitimate retirement or insurance plans, thereby ensuring equal treatment and compliance with human rights obligations in the workplace.

In Prince Edward Island (PEI), progressive discipline **must** comply with the Human Rights Act, R.S.P.E.I. 1988, Cap. H-12, which prohibits discrimination in employment and requires reasonable accommodation. Although the Act does not explicitly mention "progressive discipline," it regulates how discipline **must** be applied fairly, consistently, and without discrimination based on protected characteristics.

## **PART I – DISCRIMINATION PROHIBITED**

### **Discrimination in Accommodation Prohibited**

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

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

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

### **Application**

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

### **Discrimination in Employment Prohibited**

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

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

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

**Section 6 (1).**

### **Discrimination in Pay Prohibited**

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

(a) a seniority system;

(b) a merit system; or

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

### **Application to Insurance and Retirement Plans**

The provisions of this Act relating to discrimination in relation to age or disability do not affect the operation of any genuine retirement or pension plan or any genuine group or employee insurance plan. **Section 11.**

Further details on the Human Rights Act can be found at [princeedwardisland.ca](http://princeedwardisland.ca).

## QUÉBEC

In Quebec, **employers must** ensure that progressive discipline complies with the [Charter of Human Rights and Freedoms, Sections 10, 10.1, and 16](#), which prohibit discrimination and harassment in employment and require fair treatment across all conditions of work. Although the Charter does not directly reference “**progressive discipline**,” it mandates that disciplinary measures be applied without distinction or preference based on race, sex, age, religion, disability, or other protected characteristics. **Employers** are responsible for enforcing discipline in a manner that respects human rights and fosters equality in the workplace.

In Quebec, progressive discipline **must** comply with the Charter of Human Rights and Freedoms (CQLR c. C-12), which governs the protection of human rights, including in the workplace. While the Charter does not explicitly mention “progressive discipline,” it establishes legal standards requiring that discipline be fair, non-discriminatory, and respectful of protected rights.

### **CHAPTER I.1 – RIGHT TO EQUAL RECOGNITION AND EXERCISE OF RIGHTS AND FREEDOMS**

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

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

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

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**

Persons belonging to ethnic minorities have a right to maintain and develop their own cultural interests with the other members of their group. **Section 43.**

Further details on the Charter of Human Rights and Freedoms can be found at [gouv.qc.ca](http://gouv.qc.ca).

## SASKATCHEWAN

In Saskatchewan, **employers must** apply progressive discipline in accordance with [The Saskatchewan Human Rights Code, 2018, Sections 3, 16, and 53](#), and [The Saskatchewan Employment Act, Sections 2-8, 2-42, and 3-35](#), which prohibit discrimination, retaliation, and unfair treatment in employment. Although neither law explicitly defines “**progressive discipline**,” they require that disciplinary actions be fair, consistent, and non-discriminatory, respecting protected characteristics such as

disability, religion, gender identity, and family status. **Employers must** ensure that discipline is not used as retaliation for employees exercising their rights, and **must** accommodate individual needs unless it causes undue hardship.

While neither the Saskatchewan Human Rights Code, 2018 nor The Saskatchewan Employment Act explicitly outlines the steps or principles of “**Progressive Discipline**,” the concept is significantly intertwined with the principles of human rights and fair employment practices in Saskatchewan.

## **The Saskatchewan Human Rights Code**

### **Objects**

The objects of this Act are:

- (a) to promote recognition of the inherent dignity and the equal and inalienable rights of all members of the human family;
- (b) to further public policy in Saskatchewan that every person is free and equal in dignity and rights and to discourage and eliminate discrimination. **Section 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 francsaskois 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 francsaskois or Saskatchewan Distance Learning Corporation, as the case may be, pursuant to The Education Act, 1995.

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

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

(a) employed in a private home; or

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

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

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

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

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

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

**For more information:**

- Protection against intimidation or discrimination. **Section 53.**
- Prohibition on discriminatory action. **Sections 2-8 (1)(2).**
- Employer not to take discriminatory action. **Sections 2-42 (1) to (3).**
- Discriminatory action prohibited. **Sections 3-35.**

Further details on the [The Saskatchewan Human Rights Code](#) and [Saskatchewan Employment Act](#).

## [YUKON TERRITORY](#)

In Yukon, **employers must** apply **progressive discipline** in accordance with the [Yukon Human Rights Act](#), **Sections 7, 8, 9, 10, 11, and 14**, which prohibit discrimination and require reasonable accommodation in employment practices. Although neither the Yukon Human Rights Act nor the Yukon Employment Standards Act explicitly outlines "**progressive discipline,**" **employers must** ensure that disciplinary actions are fair, consistent, non-discriminatory, and accommodate special needs unless doing so would cause undue hardship.

While neither the Yukon Human Rights Act nor the Yukon Employment Standards Act explicitly details the steps or principles of “**Progressive Discipline**,” the concept is significantly intertwined with the principles of human rights and fair employment practices in Yukon.

## **Yukon Human Rights Act**

### **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.**

#### **Duty to Provide for Special Needs**

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

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

- (a) safety;
- (b) disruption to the public;

(c) effect on contractual obligations;

(d) financial cost;

(e) business efficiency.

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

### **Prohibited Discrimination**

No person **shall** discriminate:

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

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

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

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

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

### **Reasonable Cause**

It is not discrimination if treatment is based on:

(a) reasonable requirements or qualifications for the employment;

(b) a criminal record or criminal charges relevant to the employment;

(c) sex, so as to respect the privacy of the people to whom accommodations or a service or facility is offered; or

(d) other factors establishing reasonable cause for the discrimination. **Section 10.**

**For more information:**

- **Sections 11 (1) to (4).**

- **Sections 14 (1)(2).**

**Further details on the Yukon Human Rights Act can be found at [yukon.ca](http://yukon.ca).**