

**Canadian Human Rights Act (R.S.C. (Revised Statutes of Canada), 1985, c. H-6)**

Act current to 2020-11-02 and last amended on 2019-07-12.

# Canadian Human Rights Act

## R.S.C. (Revised Statutes of Canada), 1985, c. H-6

An Act to extend the laws in Canada that proscribe discrimination

## Short Title

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**1** This Act may be cited as the *Canadian Human Rights Act*.

1976-77, c. 33, s. 1.

## Purpose of Act

### Purpose

**2** The purpose of this Act is to extend the laws in Canada to give effect, within the purview of matters coming within the legislative authority of Parliament, to the principle that all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated, consistent with their duties and obligations as members of society, without being hindered in or prevented from doing so by discriminatory practices based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability or conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

R.S., 1985, c. H-6, s. 2; 1996, c. 14, s. 1; 1998, c. 9, s. 9; 2012, c. 1, s. 137(E); 2017, c. 3, ss. 9, 11, c. 13, s. 1.

## PART I

# Proscribed Discrimination

## General

### Prohibited grounds of discrimination

**3 (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.

#### **Idem**

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

#### **Idem**

**(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.

R.S., 1985, c. H-6, s. 3; 1996, c. 14, s. 2; 2012, c. 1, s. 138(E); 2017, c. 3, ss. 10, 11, c. 13, s. 2.

### **Multiple grounds of discrimination**

**3.1** 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.

1998, c. 9, s. 11.

### **Orders regarding discriminatory practices**

**4** A discriminatory practice, as described in sections 5 to 14.1, may be the subject of a complaint under Part III and anyone found to be engaging or to have engaged in a discriminatory practice may be made subject to an order as provided in section 53.

R.S., 1985, c. H-6, s. 4; 1998, c. 9, s. 11; 2013, c. 37, s. 1.

## **Discriminatory Practices**

### **Denial of good, service, facility or accommodation**

**5** It is a discriminatory practice in the provision of goods, services, facilities or accommodation customarily available to the general public

**(a)** to deny, or to deny access to, any such good, service, facility or accommodation to any individual, or

**(b)** to differentiate adversely in relation to any individual,

on a prohibited ground of discrimination.

1976-77, c. 33, s. 5.

### **Denial of commercial premises or residential accommodation**

**6** It is a discriminatory practice in the provision of commercial premises or residential accommodation

(a) to deny occupancy of such premises or accommodation to any individual, or

(b) to differentiate adversely in relation to any individual,

on a prohibited ground of discrimination.

1976-77, c. 33, s. 6.

### **Employment**

**7** It is a discriminatory practice, directly or indirectly,

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

(b) in the course of employment, to differentiate adversely in relation to an employee,

on a prohibited ground of discrimination.

1976-77, c. 33, s. 7; 1980-81-82-83, c. 143, s. 3(F).

### **Employment applications, advertisements**

**8** It is a discriminatory practice

(a) to use or circulate any form of application for employment, or

(b) in connection with employment or prospective employment, to publish any advertisement or to make any written or oral inquiry

that expresses or implies any limitation, specification or preference based on a prohibited ground of discrimination.

1976-77, c. 33, s. 8.

### **Employee organizations**

**9 (1)** It is a discriminatory practice for an employee organization on a prohibited ground of discrimination

(a) to exclude an individual from full membership in the organization;

(b) to expel or suspend a member of the organization; or

(c) to limit, segregate, classify or otherwise act in relation to an individual in a way that would deprive the individual of employment opportunities, or limit employment opportunities or otherwise adversely affect the status of the individual, where the individual is a member of the organization or where any of the obligations of the organization pursuant to a collective agreement relate to the individual.

**(2)** [Repealed, 2011, c. 24, s. 165]

**(3)** [Repealed, 1998, c. 9, s. 12]

R.S., 1985, c. H-6, s. 9; 1998, c. 9, s. 12; 2011, c. 24, s. 165.

**Discriminatory policy or practice**

**10** 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.

R.S., 1985, c. H-6, s. 10; 1998, c. 9, s. 13(E).

**Equal wages**

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

**Assessment of value of work**

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

**Separate establishments**

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

**Different wages based on prescribed reasonable factors**

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

**Idem**

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

**No reduction of wages**

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

**Definition of *wages***

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

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

1976-77, c. 33, s. 11.

**Date modified:**

2020-11-13