



TOOLS FOR INDIVIDUALS

Discrimination: What can I do about it?

Filing a human rights complaint with the
Canadian Human Rights Commission



Canadian
human rights
commission

Commission
canadienne des
droits de la personne

Table of Contents

What is discrimination?	1
What is harassment?	2
What can I do if I am harassed or if someone discriminates against me?	4
Make sure you're in the right place	4
Things to know	5
Tell us your story	6
Contact the Commission	6

What is discrimination?

Discrimination is an action or a decision that treats a person or a group unfairly or negatively for reasons such as their race, age or disability.

Under the *Canadian Human Rights Act*, there is a specific list of these reasons. They are called grounds of discrimination. You can use the *Canadian Human Rights Act* to protect yourself from harassment or discrimination when it is based on one or more of the following grounds:

- ▶ race
- ▶ national or ethnic origin
- ▶ colour
- ▶ religion
- ▶ age
- ▶ sex (includes pregnancy)
- ▶ sexual orientation
- ▶ gender identity or expression
- ▶ marital status
- ▶ family status
- ▶ disability (includes physical and mental disability)
- ▶ genetic characteristics
- ▶ a conviction for which a pardon has been granted or a record suspended

Discriminatory acts that you can make a human rights complaint about include:

- ▶ Being fired or demoted
- ▶ Being denied a promotion
- ▶ Being denied a service
- ▶ Being harassed
- ▶ Not having a specific need of yours accommodated at work or when receiving a service
- ▶ Lack of fully accessible spaces at your work or when receiving a service
- ▶ Lack of fully accessible information at your work or when receiving a service

**Discrimination =
ground(s) of discrimination + discriminatory action + negative impact on you**

Examples of discrimination

- ▶ A bank teller is observed being regularly hostile with only one group of customers of a particular race, while being friendly to everyone else. This may be a case of discrimination based on two grounds — **race, and national or ethnic origin.**
- ▶ A government document requires that a person identifies themselves as either male or female. This may be a case of discrimination based on **gender identity or expression.**
- ▶ A person is often referred to secondary screening at airports simply because of what they look like. This may be a case of discrimination based on the ground of **colour.**
- ▶ An employer assigns their employees to weekend shifts without considering that some employees observe the Sabbath and cannot work on those days. This may be a case of discrimination based on the ground of **religion.**
- ▶ An employee is told they cannot adjust their weekly hours in order to fulfill their caregiving responsibilities to an ailing loved one. This may be a case of discrimination based on the ground of **family status.**

What is harassment?

Harassment is a form of discrimination. It includes any unwanted physical or verbal behaviour that offends or humiliates you. Generally, harassment is a behaviour that continues over time. In some cases, serious one-time incidents can also be considered harassment.

Harassment occurs when someone:

- ▶ makes unwelcome remarks or jokes about your race, religion, disability or any of the other grounds of discrimination
- ▶ threatens or intimidates you because of your sex, age, family status or any of the other grounds of discrimination
- ▶ makes unwanted physical contact with you, such as touching, patting, or pinching

Examples of harassment

- ▶ A bank-teller taunting you about wearing your hijab
- ▶ A manager making inappropriate jokes in your presence about persons with disabilities
- ▶ A colleague putting you down because of your sexual orientation

What is sexual harassment?

Sexual harassment is usually an attempt by one person to exert power over another person. Whether intentional or not, sexual harassment is discrimination, and it is a barrier to equality. It is emotionally abusive, and it creates an unhealthy, unproductive atmosphere in the workplace.

Sexual harassment, like other forms of harassment, happens across all genders and across all sexual orientations.

Examples of sexual harassment

- ▶ Invading personal space, asking for hugs or other unwanted physical contact
- ▶ Suggestive remarks, sexual jokes or compromising invitations
- ▶ Visual displays of sexual or suggestive images



What can I do if I am harassed or if someone discriminates against me?

Discrimination and harassment are against the law in Canada.

If you believe you have experienced discrimination, you may be able to file a human rights complaint with the Commission, or with a provincial or territorial human rights agency.

Here's how...

Ask for help to make sure you're in the right place

The Commission offers a new online complaint platform, in a simple, clear language.

The first step is to fill out a short questionnaire, to establish if the situation meets the criteria to file a discrimination complaint. It determines if the Commission is the right place for your complaint. This way, you get the help you need as fast as possible.

Thanks to its “no wrong door” approach, the Commission tries to help every person who asks for help, no matter the format of the request. Whenever possible, we will guide the person to the right place.

There are many organizations in Canada responsible for helping to protect your human rights. For example, if you want to file a human rights complaint against a privately-run business such as a retail store, a school, a restaurant, a gas station, or an insurance company, you should bring your complaint to your provincial or territorial human rights agency.

It's ok if you are not sure. You can visit the Commission's website to figure out where to bring your complaint. We can help you find the right place for your complaint.

If your human rights complaint is about a federal matter, you can file your human rights complaint with the Commission

To find out how to do that, keep reading.

Things to know

There are few things to know before you begin to file your human rights complaint with us:

- ▶ You must **complete a complaint form** in order to file a human rights complaint with the Commission. We will explain where to find the form and what you need to include with it.
- ▶ You should file a complaint **within 12 months** of the situation that you are complaining about.
- ▶ You can file a complaint on behalf of others as long as you have their permission.
- ▶ You don't need to pay a fee to file a human rights complaint with the Commission.
- ▶ You don't need to hire a lawyer or get other legal help to file with the Commission. However, if you decide to hire legal help, you must cover the cost.
- ▶ The Commission will not take anyone's side during the process.

Tell us your story

In order for your human rights complaint to be valid, you must include a detailed story about the discrimination or harassment you experienced. It must include a description of who discriminated against you, what exactly happened, where it happened, when it happened, and why it happened – or how it is connected to one or more of the grounds in the Canadian Human Rights Act. If you do not include all this information in your story, it will cause delays for you.

Your story should answer **three main questions**:

1. **What happened?** A description of the specific discriminatory act or the way in which you were treated unfairly either during work or when receiving a service.

For example: Were you fired? Were you denied the same level of service as everyone else? Maybe there was more than one discriminatory act. If so, tell us all of them.

2. **Why do you think this happened?** This refers to the specific reasons why you believe you were discriminated against. They are called grounds of discrimination and are listed in the *Canadian Human Rights Act*.

For example: Were you fired because of your race? Were you denied a service because of your gender identity, your colour, your disability? Maybe it was about more than one thing. If so, tell us all of them.

3. **How has this had a negative effect on your life?**

For example: Because of this unfair treatment, you can no longer afford your home, or your mental health has been negatively affected. Maybe there has been more than one negative impact on your life. If so, tell us all of them.

Contact the Commission

The final thing you need to do is contact the Canadian Human Rights Commission to request and submit a completed complaint form. There are a few ways you can do this.

Online 

The fastest way to file a human rights complaint is by filing your complaint online:

- ▶ Go the Commission's homepage
(www.chrc-ccdp.gc.ca)
- ▶ Click on the first tab, "Complaints" and then choose the very first option "I want to complain"
- ▶ Follow the instructions step by step.
- ▶ When you come to the end of the form, hit SUBMIT to send us your complaint. (You can choose to print a copy for your records too.)

You can also download a PDF of the complaint form from our website:

- ▶ Go the Commission's homepage
(www.chrc-ccdp.gc.ca)
- ▶ Click on the first tab, "Complaints" and then choose the very first option "I want to complain"
- ▶ Answer the 5 questions and then at the bottom, under "Learn more" choose "download" to get a blank copy of the complaint form. You can print it, fill it out by hand and then send it to us.

Email @

You can request a complaint form **or** submit your completed complaint form by email: Info.com@chrc-ccdp.gc.ca

Mail

You can request a complaint form or submit your completed complaint form by mail:

Canadian Human Rights Commission
344 Slater Street, 8th Floor
Ottawa, Ontario K1A 1E1

Fax

You can request a complaint form **or** submit your completed form by fax: 613-996-9661

Phone

You can request a complaint form by phone:
Toll Free: 1-888-214-1090
TTY: 1-888-643-3304
Monday to Friday (8:00 a.m. to 8:00 p.m. Eastern Time)

© Her Majesty the Queen in Right of Canada, as represented by the Canadian Human Rights Commission, 2019
Cat. No. HR4-47/2019E-PDF
ISBN : 978-0-660-32611-5