

# Human Rights

See also: **2SLGBTQI+ Rights**



This pamphlet is about the Ontario Human Rights Code. There are other human rights protections that this pamphlet does not cover, such as the Canadian Charter of Rights and Freedoms, and the UN Convention on the Rights of the Child.

# HUMAN RIGHTS & DISCRIMINATION

## What are Human Rights?

Human rights are the fundamental rights inherent to all human beings, ensuring equality, dignity, and freedom from discrimination.

## What is discrimination?

Discrimination is when someone or a group of persons is treated unfairly or unequally. This includes harassment where someone says or does things to offend or humiliate someone else. The law does not protect from discrimination in all situations; for example, the law doesn't usually apply to how people treat each other in personal relationships with friends or family.

## When does the law protect people from discrimination?

The *Ontario Human Rights Code* (“the Code”) protects people from discrimination on these “**grounds**”:

- Place of origin (where you come from)
- Citizenship
- Ethnicity (race, biological and cultural background)
- Disability
- Creed (religion/beliefs)
- Sex, including sexual harassment and pregnancy
- Sexual orientation, Gender identity, and Gender expression\*
- Family status, Marital status
- Age
- Receipt of public assistance: example is Ontario Works; and this ground only applies to housing
- Record of offences: convictions where a record suspension has been granted; and only applies to work

\*See also our pamphlet on 2SLGBTQI+ Rights

This protection applies in the following “**social areas**”:

- Work (jobs and employment)
- Housing (such as renting an apartment)
- Goods, services, and facilities (such as stores, restaurants, hospitals, and police)
- Contracts (such as buying phone)
- Membership in a union or a professional association for your job

### **Is it discrimination if I am treated unfairly because of someone I know?**

Yes, it can be. If you are treated unfairly because of someone in your life, and that person is protected under the Code, it counts as discrimination. For example, a landlord can’t refuse to rent to you because your parents are from a different country (“place of origin”) or because of your partner’s gender identity.

### **What does “accommodation” mean?**

“Accommodation” means making changes or special arrangements to help someone be treated fairly. For example, a school might build a ramp for a student in a wheelchair, or give extra time on tests to a student with a learning disability.

You should be accommodated unless it’s too difficult, expensive, or unsafe. This is called “undue hardship.” If someone says they can’t accommodate you because of this, you should speak to a lawyer.

# MAKING A CLAIM

## How do I make a claim of discrimination?

To make a claim, fill out an application form and submit it to the Human Rights Tribunal of Ontario (HRTO). You can apply on-line or call the HRTO to have a form mailed to you:

- [tribunalsontario.ca/hrto/](http://tribunalsontario.ca/hrto/)
- 416-326-1312 or 1-866-598-0322

## How quickly do I have to make a claim?

You have one year from the incident to submit your application. If there were several related incidents, you have one year from the last one. If you miss the deadline, you can still ask the HRTO to let you apply but you'll need a really good reason. Talk to a lawyer if you're late and still want to make a claim.

## What happens after I send in my application?

The person or group you complained about will be given a chance to respond. They're called the "Respondent". The Respondent must give you a copy of their response.

## The next step is "mediation"

Mediation is a way to solve the issue by talking it out with help from a neutral person called the "mediator". The mediator helps both sides listen to each other and try to agree on a solution.

For claims made before June 1, 2025: this is a voluntary part of the process. You do not have to try mediation. You do not have to agree to anything at mediation and no one can force you to agree to anything at mediation.

For claims made to the HRTO on or after June 1, 2025: mediation is mandatory. You can request an exemption for exceptional circumstances.

# MEDIATION AND HEARING

## Why try mediation?

Reasons to try mediation:

- It's usually faster and less stressful than going to a hearing
- You get a chance to share your side and hear theirs
- If both sides agree, the issue can be settled without going further

## What if I don't want mediation or it doesn't work?

If you skip mediation or can't agree during it, your claim will go to a "hearing" which is similar to a trial. You and the Respondent both get to share your side of the story.

You can show evidence, like documents or messages. You can also bring people who know what happened and can speak about it ("witnesses").

You'll get to explain why you believe it was discrimination and what you think should be done to fix it. The Respondent will also have a chance to share their side.

## Where can I get support for making a claim to the HRTO?

You have the right to hire a lawyer or paralegal to represent you.

You can also visit the Human Rights Legal Support Centre (HRLSC) website, [hrlsc.on.ca](http://hrlsc.on.ca), to complete a questionnaire to determine whether you will be able to pursue legal steps through them. Their website also contains rights information and how-to guides on the claims process. You can also call them: 416-597-4900 or 1-866-625-5179

You can also ask someone you trust (friend, family member, or support worker) to go with you to mediation or the hearing to take notes and support you.

# HRTO PROCESS

## **What steps might happen before a hearing starts?**

Before the hearing, the HRTO might reach out to you and the Respondent to:

- ask if you need any accommodations such as help with accessibility or other support
- find ways to make the hearing faster or smoother
- figure out what you both agree on and what you disagree about, so they can focus on the important parts
- talk about your evidence and witnesses

These are called case assessments and help the HRTO get ready and make things go as smoothly as possible.

## **Who's in charge at the hearing? Who decides what happens?**

A person from the HRTO runs the hearing. They might be a Vice Chair, Member, or Adjudicator and they're like a judge. They're in charge of how the hearing goes and how the evidence is given. They're also the one who decides if your claim is successful or not.

## **If I win at the hearing, what can happen?**

If you are successful, the adjudicator might:

- tell the Respondent to pay you money, for things like emotional harm or lost wages
- Order them to give you your job back
- Make them change their rules or policies
- Require human rights training for their staff

It's about making things fair and making sure the discrimination doesn't happen again.

# RECONSIDERATION & REVIEW

## What if I don't agree with the decision?

If you think the decision was wrong and especially if you have new evidence that wasn't available before, you can ask the HRTO to take another look. This is called a **reconsideration**.

If you're not allowed to ask for that, you can go to court and apply for a **judicial review**. It's a complicated process and it's important to talk to a lawyer about this process.

## Can I complain about discrimination elsewhere?

Yes, you can sometimes bring up discrimination with other places, like the Ontario Labour Relations Board, if it's part of a bigger issue. If you do complain somewhere else before going to the HRTO, the HRTO might:

- decide to not hear your case, or
- delay your case until the other one is finished

If you're thinking about complaining to more than one place, you should get legal advice first so you know your options.

## Where can I learn more about the HRTO?

For information about filing a claim, what to expect, how to ask for accommodations, and other resources, visit their website: [tribunalsontario.ca/hrto/](http://tribunalsontario.ca/hrto/)

## **FOR HELP FINDING A LAWYER:**

**Human Rights Legal Support Centre**  
1-866-625-5179, [www.hrlsc.on.ca](http://www.hrlsc.on.ca)

**Justice for Children and Youth**  
For young people under 18 & homeless youth  
under 25: 416-920-1633 or 1-866-999-5329  
[www.jfcy.org](http://www.jfcy.org)

**Community Legal Clinics:** [www.legalaid.on.ca](http://www.legalaid.on.ca)  
Locate and contact the clinic closest to you

**Law Society of Ontario's Referral Service:**  
[www.lso.ca](http://www.lso.ca), receive up to 30 min free advice

## **OTHER SERVICES:**

**Kids Help Phone:** Phone and online support  
1-800-668-6868, [www.kidshelpphone.ca](http://www.kidshelpphone.ca)

**Ombudsman Ontario's Children and Youth Unit:**  
1-800-263-1830, [www.ombudsman.on.ca](http://www.ombudsman.on.ca)

**211 Ontario:**  
[www.211ontario.ca](http://www.211ontario.ca), dial 211 from any phone

This pamphlet gives general information only.  
Speak to a lawyer about your situation.



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