

The Human Rights Commission (HRC) is the agency that works to protect people against discrimination in this province in accordance with the *Human Rights Act*.

## What does the act disallow and what does it protect?

The act deals with a wide range of issues but does not include some private matters. It does not allow a person or organization to treat someone in a different way because of a particular characteristic. It also protects a person from someone retaliating against them for filing a complaint with the Human Rights Commission (HRC), or for co-operating with the investigation of a Human Rights complaint.

## What does the HRC offer?

- information and advice to people who contact the HRC about discrimination against them by a person or organization
- processes to investigate and resolve complaints of discrimination
- information and advice for organizations to help avoid or deal with discrimination
- help for groups and organizations who want to write their own human rights policies
- talks and workshops on human rights

Human Rights complaints may be resolved through a formal complaint process, which can include an investigation and a hearing by a Board of Inquiry, or they can be resolved through a settlement process such as mediation. Ask the staff about more information on the mediation service offered by the HRC.

*NOTE: An HRC officer conducts a neutral and objective investigation. They decide whether there is enough evidence to move the matter forward in the process.*

## What kind of protections does the act offer?

The *Human Rights Act* protects people on the basis of several personal characteristics and in a number of areas.

### Characteristics

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Here are the protected characteristics with some examples.

#### physical or mental disability

An employer does not hire a woman who uses a wheelchair because he thinks she can't do the job. An employer dismisses an employee for missing work because he suffers from depression.

#### race and colour

A Black woman is followed around a store by company security. People make insulting comments and racist jokes at work.

#### sex (includes gender & pregnancy)

A woman loses her job when she begins to look pregnant. A man is not interviewed for a job as a librarian because the supervisor thinks women make better librarians.

#### sexual harassment

A woman is asked for sexual favours in exchange for getting the plumbing in her apartment fixed. Employees are told sexual jokes by their colleagues in the workplace.

#### sexual orientation

A newspaper refuses to run a paid ad about an event for a local gay and lesbian association.

#### marital status

A couple who is not married is refused a loan because they live common law.

#### family status

A couple with two young children is refused an apartment because the landlord believes that the children will be noisy.

#### ethnic origin

A man is denied a job with a security company because he is Arab.

#### national origin

A student who was originally from Iraq has the word "terrorist" painted on her locker by another student.

#### Aboriginal origin

A company will not deliver oil to a family living on reserve.

#### religion or creed

A woman is fired because she can not work on Saturdays because of her religion.

#### source of income

A landlord will not rent an apartment to a woman on social assistance.

#### political belief, affiliation, or activity

A man is known to support a political party that is not in power, and he is turned down for a government job for which he is qualified.

#### irrational fear of illness or disease

A woman is asked to take her son out of school because other parents believe their children can catch hemophilia from her child. A dentist refuses to treat a patient because the patient has AIDS.

#### age

A landlord would not rent to university students because he thinks students are all noisy and will disturb other people living there. A 50-year-old employee is told that the company will not promote him because they want to have someone "with energy and new ideas" in the position.

#### association

A Caucasian man is told to stay out of a bar because he is with a Black man.

### Areas Protected

The *Human Rights Act* protects people from discrimination in these seven areas only: getting and keeping a job; access to services and facilities; finding accommodation and living in it; buying and selling property; memberships in professional, business, or trade associations; and working in volunteer public service.

It also applies to advertisements and some other publications.

## There are some exceptions

For example, in the area of employment, the act requires an employer to assess a job applicant or employee as an individual. Employers have a duty to accommodate job applicants and employees. However, some limits may be needed, such as for jobs that require particular physical abilities. An employer is not obliged to accommodate an employee or applicant if this would cause **undue hardship** such as

- a significant risk to health or safety
- a serious financial hardship to the employer
- an unacceptable disruption to the employer's operation

Employers may set general physical requirements, known as **bona fide requirements**, for certain jobs

- if it is not possible to adapt a particular requirement for a job—for example, a blind person cannot drive a front end loader
- if it is not practical to assess an applicant's ability to do a job

*NOTE: There are situations that may appear to be discriminatory but do not actually violate the Human Rights Act. Contact the HRC if you need more information.*

## There are terms that are useful to know

**Disability** can be physical or mental.

Disability includes things you can see, such as requiring a guide dog or wheelchair, and those you can't see, such as having diabetes or depression. Not every medical condition is defined as a disability under the act. Disability also includes such things as learning disabilities and past dependence on drugs or alcohol.

**Political belief** includes any interaction with a recognized political party, or giving money to support a political party.

**Racism** includes acting on a negative judgment about a person because of their race.

It is considered racial harassment when the harasser knows, or should know, that they are doing something of a racist nature that will upset someone else. It can be something that has happened only once or more often. It is any unwelcome comment or action based on race, colour, or origin, and includes such things as slurs, teasing, or negative remarks based on colour or race, racist pictures or materials, threats, or physical assault. Employers are responsible for making sure there is no racial harassment in the workplace.

**Sexism** falls under "sex (gender)" discrimination, and is often connected with sexual harassment, or discrimination because of pregnancy, or marital and family status.

### A SPECIAL NOTE ABOUT PREGNANCY

There may be protection under the *Human Rights Act* in addition to what is provided under the Labour Standards Code.

It is considered **sexual harassment** when the harasser knows, or should know, that they are doing something of a sexual nature that will upset someone else. It can be something that has happened only once or more often. It can include such things as hanging a pin-up calendar at a work station, staring, making unwelcome invitations for "a night to remember," and inappropriate touching. Both women and men can file a complaint of sexual harassment, against someone of either sex. Employers are responsible for making sure there is no sexual harassment in the workplace.

**Retaliation** for being involved in a Human Rights complaint (yours or someone else's) is also prohibited by the act. For example, a person who files a complaint with the HRC about discrimination at work may get the cold shoulder from several supervisors when the company learns about the complaint. You can add a complaint of retaliation to a complaint that you have already filed; anyone can file a separate complaint of their own if they are treated unfairly because they are co-operating with any HRC investigation.

For more information refer to other pamphlets and booklets including:

- *A Guide to Mediation*
- *For Employers: A guide for drafting job application forms and interview questions*
- *Guide to the Complaint Process*
- *Introduction to Settlement Initiatives*
- *Race Relations and Affirmative Action – a very active Division of the Nova Scotia Human Rights Commission*
- *Workshops and Training through the Race Relations and Affirmative Action Division*

*NOTE: If you have a complaint of discrimination, it is important to write down anything that could support your claim. This includes times, dates, and the names of people involved.*

*NOTE: If you file a complaint with the HRC, it is important to stay in touch with the officer who is handling your complaint.*

## Getting in touch

Contact the Human Rights Commission for more information on resources and programs, and for help dealing with human rights issues.

Visit our web site at [www.gov.ns.ca/humanrights/](http://www.gov.ns.ca/humanrights/) for more information, fact sheets, and guides to our programs.

Call  
424-4111  
or toll-free 1-877-269-7699

For TTY dial 424-3139  
or toll free 1-866-811-3732

*A scent reduced environment.*

# Basic Guide to the Work of the Nova Scotia Human Rights Commission