

## INDEX

### ACCESSIBILITY

- Accessible Canada Act, Appendix R
- Accessibility Commissioner
  - absence or incapacity, 38.2
  - disclosure of information to, 40.01
  - powers, duties and functions, 38.1
- accessibility standards, regulations re, 24
- Accessibility Unit, 32.1

### ACCOMMODATION

- individual needs, of, 2
- undue hardship, to point of, 15(2)

### ACCOMMODATIONS, DENIAL OF, 5, 6

### ACTS OF EMPLOYEES

- deeming provision, 65(1)
- due diligence, 65(2)
- exculpation provision, 65(2)
- liability, 65(1)

### ADVERSE EFFECT DISCRIMINATION

- application re, 15(8)
- differentiate adversely, 7(b)

### AGE

- *bona fide* occupational requirement, 15(1)(a)
- differentiate adversely, 7(b)
- maximum age, 15(1)(b)
- proscribed discrimination, 3(1)
- refusal to employ/continue to employ, 7(a)

### AGE GUIDELINES, Appendix F

### APPLICATION OF ACT

- Crown bound, 66
- generally, 2
- limitation on, 62
- territories, in, 63

### *BONA FIDE OCCUPATIONAL REQUIREMENT, see EXCEPTIONS TO DISCRIMINATORY PRACTICES*

### CANADIAN FORCES

- *bona fide* occupational requirement, 15(9)
- employed by Crown, a, 64
- universality of service principle, 15(9)

### CANADIAN HUMAN RIGHTS BENEFIT REGULATIONS, Appendix A

### CANADIAN HUMAN RIGHTS COMMISSION

- Accessibility Unit, 32.1
- assignment of duties to other persons, 28(1)
- by-law, 37, Appendix E
- Chief Commissioner, 26(2), 31
- confidentiality, 33(2)
- Convention on the Rights of Persons with Disabilities, 28.1
- decisions, majority, 35
- disclosure of information, 33(2), 40.01
- divisions of, 36(1)

## Index

### CANADIAN HUMAN RIGHTS COMMISSION (*cont'd*)

- establishment of, 26(1)
- Guidelines re application of Act, 27(2)–(4)
- interdelegation of duties, 28(2)
- meetings of, 34(3)
- members
  - • Accessibility Commissioner
  - • • absence or incapacity, 38.2
  - • • disclosure of information to, 40.01
  - • • powers, duties and functions, 38.1
  - • full-time and part-time, 26(2)
  - • powers, duties and functions of, 27(1)
  - • re-appointment, 26(5)
  - • remuneration and expenses, 30
  - • superannuation, etc., 38
  - • tenure, 26(4)
  - • term of appointment, 26(3)
- offices of, 34(1), (2)
- presiding officer, designation of, 36(2)
- regulations
  - • exercise of powers, re, 29
- security requirements, compliance with, 33(1)
- staff, 32

### CANADIAN HUMAN RIGHTS COMMISSION, BY-LAW NO. 3, Appendix E

### CANADIAN HUMAN RIGHTS TRIBUNAL, *see* TRIBUNAL

### CHARTER OF RIGHTS AND FREEDOMS, 2

### CHILD BIRTH

- proscribed discrimination, 3(2)

### CHILD CARE BENEFITS, 15(1)(f)

### COMMERCIAL PREMISES, DENIAL OF, 5, 6

### COMPLAINTS

- discrimination/intimidation against complainant, 59
- *Employment Equity Act* complaints
  - • declining to deal with, 41(2)
  - • “designated groups”, defined, 40.1(1)
  - • “employer”, defined, 40.1(1), 41(3)
  - • exception, 40(3.1)
  - • restrictions, 40.1(2)
  - • text of Act, Appendix Q
- entitlement to file, 40(1)
- investigation, *see* INVESTIGATION OF COMPLAINT
- multiple complaints considered together, 40(4)
- notice re declining to deal with, 42
- Pay Equity Division, 36.1
- refusal to consider, 40(5), (7)
- requirement to deal with, 41(1)
  - • better dealt with under another Act, 41(1)(b)
  - • grievance/review procedure exhausted, 41(1)(a)
  - • lack of jurisdiction, 41(1)(c)
  - • trivial/vexatious/bad faith complaint, 41(1)(d)
  - • untimely complaint, 41(1)(e)
- status of individual re, 40(6)
- victim consent requirement, 40(2)

### COMPLAINTS INQUIRIES, *see* TRIBUNAL

## Index

### **CONCILIATOR**

- appointment of, 47(1)
- confidentiality requirements, 47(3)
- eligibility to act as, 47(2)
- witness, as, 50(5)

### **CONFIDENTIALITY**

- Commission, requirements, 33(2)
- complaints inquiries, requirements, 52
- conciliator, requirements, 47(3)
- inquiry re Tribunal member, requirements, 48.3(7), (8)

### **CONTRACT/LICENCE/GRANT, CROWN**

- regulations re, 23

### **CONVICTION FOR OFFENCE**

- definitions, 25

### **COVID-19 PRACTICE**

**DIRECTION**, Appendix L

### **CRIMINAL RECORD**

- refusal to employ, 7(a)

### **CROWN BOUND, 66**

### **CROWN EMPLOYEES**

- Canadian Forces members, 64
- RCMP members, 64

### **CUSTOMS AND EXCISE HUMAN RIGHTS INVESTIGATION REGULATIONS, Appendix B**

### **DECISIONS/ORDERS OF TRIBUNAL**

- compensation order
- expenses/additional costs incurred, 53(2)(d)
- lost wages, 53(2)(c)
- pain and suffering, 53(2)(e)
- special compensation for egregious conduct, 53(3)

- cease and desist/redress/prevention order, 53(2)(a)
- disclosure of information, application re, 58
- dismissal of complaint, 53(1)
- enforcement of orders, 57
- interest award, 53(4)
- rights/opportunities/privileges denied, 53(2)(b)
- special compensation order, 53(3)
- substantiation of complaint, 53(2)

### **DISABILITY**

- defined, 25
- proscribed discrimination, 3(1)

### **DISABLED PERSONS, *see also* ACCESSIBILITY**

- accessibility standards, regulations re, 24
- accommodation plans re, Commission jurisdiction to advise, 17
- *bona fide* occupational requirement, 15(1)(a)
- Convention on the Rights of Persons with Disabilities, 28.1
- differentiate adversely, 7(b)
- refusal to employ/continue to employ, 7(a)

### **DISCLOSURE OF INFORMATION, 33(2), 58, 40.01**

### **DISCRIMINATION, *see* PROSCRIBED DISCRIMINATION**

### **DISCRIMINATION AGAINST COMPLAINANT, 59**

### **DISCRIMINATORY NOTICE, PUBLICATION OF, 12**

### **DISCRIMINATORY PRACTICES**

- defined, 39

## Index

### DISCRIMINATORY

#### PRACTICES (*cont'd*)

- denial of commercial premises/residential accommodation, 6
- denial of good/service/facility/accommodation, 5
- discriminatory notices, etc., publication of, 12
- employee organizations, 9
- employment applications/advertisements, 8
- employment, generally, *see EMPLOYMENT DISCRIMINATION*
- employment policies/practices, 10
- exceptions to, *see EXCEPTIONS TO DISCRIMINATORY PRACTICES*
- harassment, 14(1)
- multiple allegations, 40(4.1)-(4.2)
- orders re, 4
- Pay Equity Division, 36.1, 40(4.1)-(4.2)
- retaliation, 14.1
- severed allegations, 40(4.2)
- sexual harassment, 14(2)
- wages, *see EQUAL WAGES*

### EMPLOYEE ORGANIZATION

- defined, 25
- discriminatory practices, 9

### EMPLOYEES, *see ACTS OF EMPLOYEES; EMPLOYMENT DISCRIMINATION*

### EMPLOYER/EMPLOYER ORGANIZATION

- defined, 25
- prosecution of, 60(3)

### EMPLOYMENT

- defined, 25

- harassment, 14(1)(c)

### EMPLOYMENT APPLICATIONS/ADVERTISEMENTS, 8

### EMPLOYMENT DISCRIMINATION

- differentiate adversely, 7(b)
  - age, 7(b)
  - burden of proof, 7(b)
  - disability, 7(b)
  - family status, 7(b)
  - gender expression, 7(b)
  - gender identity, 7(b)
  - genetic characteristics, 7(b)
  - marital status, 7(b)
  - national/ethnic origin, 7(b)
  - pregnancy, 7(b)
  - race, 7(b)
  - religion, 7(b)
  - sex, 7(b)
  - sexual orientation, 7(b)
- refusal to employ/continue to employ, 7(a)
  - age, 7(a)
  - disability, 7(a)
  - colour, 7(a)
  - criminal record, 7(a)
  - ethnic origin, 7(a)
  - family status, 7(a)
  - gender expression, 7(a)
  - gender identity, 7(a)
  - genetic characteristics, 7(a)
  - marital status, 7(a)
  - pregnancy, 7(a)
  - race, 7(a)
  - religion, 7(a)
  - sex, 7(a)
  - sexual orientation, 7(a)

## Index

- EMPLOYMENT EQUITY ACT,**  
Appendix Q
- Guide to the Operations of the Employment Equity Review Tribunal, Appendix P
- EMPLOYMENT EQUITY ACT COMPLAINT,** *see* **COMPLAINTS**
- EMPLOYMENT POLICIES/PRACTICES,** 10
- EQUAL WAGES**
- gender difference, prohibition, 11(1)
  - Pay Equity Act, Appendix S
  - Pay Equity Commission
    - jurisdiction, 40.2
    - non-application of ss. 7, 10 and 11, 40.2
    - Pay Equity Commissioner, 38.3-38.4
    - Pay Equity Division, 36.1
    - Pay Equity Unit, 32.2
  - prescribed reasonable factors, 11(4), (5)
  - reduction of wages, 11(6)
  - separate establishments, 11(3)
  - “wages”, defined, 11(7)
  - work value assessment, 11(2)
- EQUAL WAGES GUIDELINES,**  
Appendix G
- ETHNIC ORIGIN**
- differentiate adversely, 7(b)
  - proscribed discrimination, 3(1)
  - refusal to employ/continue to employ, 7(a)
- EXCEPTIONS TO DISCRIMINATORY PRACTICES**
- *bona fide* justification for denial/differentiation, 15(1)(g)
  - *bona fide* occupational requirement, 15(1)(a)
  - accommodation to point of undue hardship, 15(2)
  - age, 15(1)(a)
  - Canadian Forces, universality of service principle, 15(9)
  - disability, 15(1)(a)
  - marital status, 15(1)(a)
  - race, 15(1)(a)
  - religion, 15(1)(a)
  - sex, 15(1)(a)
  - undue hardship, regulations re, 15(3)–(7)
  - direct/adverse effect discrimination, application re, 15(8)
  - maximum age, 15(1)(b)
  - pension funds/plans, 15(1)(d), (d.1)
  - pregnancy/child care benefits, 15(1)(f)
  - reasonable discrimination, 15(1)(e)
  - undue hardship, 15(2)–(7)
- FAMILY STATUS**
- differentiate adversely, 7(b)
  - proscribed discrimination, 3(1)
  - refusal to employ/continue to employ, 7(a)
- GENDER EXPRESSION**
- differentiate adversely, 7(b)
  - proscribed discrimination, 3(1)
  - refusal to employ/continue to employ, 7(a)
- GENDER IDENTITY**
- differentiate adversely, 7(b)
  - proscribed discrimination, 3(1)
  - refusal to employ/continue to employ, 7(a)

## Index

### **GENETIC CHARACTERISTICS**

- differentiate adversely, 7(b)
- proscribed discrimination, 3(1), (3)
- refusal to employ/continue to employ, 7(a)

### **GOODS AND SERVICES, DENIAL OF, 5**

### **GUIDELINES**

- Age Guidelines, Appendix F
- Equal Wages Guidelines, Appendix G

### **HARASSMENT, 14(1)**

- employment, 14(1)(c)

### **HUMAN RIGHTS TRIBUNAL APPEAL REGULATIONS, Appendix C**

### **IMMIGRATION INVESTIGATION REGULATIONS, Appendix D**

### **INQUIRIES, *see* TRIBUNAL**

### **INTIMIDATION OF COMPLAINANT, 59**

### **INVESTIGATION OF COMPLAINT**

- commencement of, 40(3)
- entry, power of, 43(2.1)
- force, use of, 43(2.3)
- investigator, designation of, 43(1)
- obstruction of, 43(3)
- production of books, 43(2.4)
- regulations re, 43(4)
- report, *see* REPORT OF INVESTIGATION
- warrant, issuance of, 43(2.2)

### **JURISDICTION**

- lack of, 41(1)(c)
- Tribunal, of, 2, 50(2)

### **MARITAL STATUS**

- *bona fide* occupational requirement, 15(1)(a)
- differentiate adversely, 7(b)
- proscribed discrimination, 3(1)
- refusal to employ/continue to employ, 7(a)

### **MINISTER OF JUSTICE**

- remedial/disciplinary measures, decision re, 48.3(1)
- responsibility for Act, 61.1

### **NATIONAL ORIGIN**

- differentiate adversely, 7(b)

### **NATIONAL SECURITY ISSUES**

- National Security and Intelligence Review Agency Act, application of, 45(5)
- Commission's action on receipt of Review Committee report, 46(2)
- Commission disposition options, 45(2)
- notice requirements, 45(3)
- Review Agency
  - defined, 45(1)
  - investigation by, 45
  - report to Commission, 46(1)
  - statement to complainant by, 45(6)
- stay of procedures, 45(4)

### **NATIONAL/ETHNIC ORIGIN, *see also* ETHNIC ORIGIN**

- proscribed discrimination, 3(1)

### **OFFENCES**

- Attorney General consent, 60(4)
- conduct, 60(1)
- limitation period, 60(5)
- prosecution of employer/employer organization, 60(3)

## Index

### OFFENCES (*cont'd*)

- punishment, 60(2)

### ORDERS, *see* DECISIONS/ORDERS OF TRIBUNAL

### ORDERS RE DISCRIMINATORY PRACTICES, 4

### PENSION FUNDS/PLANS

- establishment of separate plans, 21
- exceptions to discriminatory practices, 15(1)(d), (d.1)
- regulations re, 22

### PREGNANCY

- differentiate adversely, 7(b)
- exceptions to discriminatory practices, 15(1)(f)
- proscribed discrimination, 3(2)
- refusal to employ/continue to employ, 7(a)

### PROSCRIBED DISCRIMINATION

- age, 3(1)
- disability, 3(1)
- family status, 3(1)
- gender expression, 3(1)
- gender identity, 3(1)
- genetic characteristics, 3(1), (3)
- marital status, 3(1)
- multiple grounds of discrimination, 3.1
- national/ethnic origin, 3(1)
- pregnancy/child birth, 3(2)
- prohibited grounds, 3(1)
- race, 3(1)
- sex, 3
- sexual orientation, 3(1)

### PUBLICATION OF DISCRIMINATORY NOTICES, 12

### PUNISHMENT FOR OFFENCE, 60(2)–(3)

### PURPOSE OF ACT, 2

### RACE

- *bona fide* occupational requirement, 15(1)(a)
- differentiate adversely, 7(b)
- proscribed discrimination, 3(1)
- refusal to employ/continue to employ, 7(a)

### REASONABLE DISCRIMINATION, 15(1)(e)

### RELIGION

- differentiate adversely, 7(b)

### REPORT OF INVESTIGATION

- action on receipt of, 44(2), (3)
- notifications re, 44(4)
- submission to Commission, 44(1)

### REPORTS

- annual report of Commission, 61(1)
- annual report of Tribunal, 61(3)
- special reports, 61(2)
- transmission of reports, 61(4)

### RESIDENTIAL ACCOMMODATION, 6

### RETALIATION, 14.1

### REVIEW COMMITTEE, *see* NATIONAL SECURITY ISSUES

### ROYAL CANADIAN MOUNTED POLICE

- employed by Crown, as, 64

### RULES OF PROCEDURE (Proceedings Prior to July 11, 2021), Appendix H

## Index

- RULES OF PROCEDURE**  
(Proceedings On or After July 11, 2021), Appendix I
- SETTLEMENT**
- certification by Commission, 48(2)
  - enforcement of, 48(3)
  - referral to Commission, 48(1)
- SEX**
- *bona fide* occupational requirement, 15(1)(a)
  - differentiate adversely, 7(b)
  - proscribed discrimination, 3
  - refusal to employ/continue to employ, 7(a)
- SEXUAL HARASSMENT**, 14(2)
- SEXUAL ORIENTATION**
- differentiate adversely, 7(b)
  - proscribed discrimination, 3(1)
  - refusal to employ/continue to employ, 7(a)
- SHORT TITLE**, 1
- SPECIAL PROGRAMS**
- adoption of, 16(1)
  - Commission jurisdiction to advise
    - disabled persons, accommodation plans re, 17
    - generally, 16(2)
    - opportunity to make representations, 19(1)
    - rescinding approval of plan, 18
    - restrictions on deeming plan inappropriate, 19(2)
- TRIBUNAL**
- access to tribunal official records, Appendix M
  - book of jurisprudence, Appendix N
  - complaints inquiries
    - chair of panel, 49(3)
    - chairperson, institution by, 49(2)
    - conciliators as witnesses, 50(5)
    - conduct of, 50(1)
    - confidentiality requirements, 52
    - copy of rules to parties, 49(4)
    - decision/orders, *see* *DECISIONS/ORDERS OF TRIBUNAL*
    - delay, 50(2)
    - evidence, 50(4)
    - jurisdictional matters, 50(2)
    - member, qualification of, 49(5)
    - non-suit motions, 50(2)
    - questions of fact/law, power to determine, 50(2)
    - powers of inquiry
      - additional powers, 50(3)
      - generally, 50
    - public nature of, 52(1)
    - request for inquiry, 49(1)
    - subsequently raised question, 49(6)
    - witnesses, 50
  - COVID-19 practice direction, Appendix L
  - defined, 25
  - duty of commission, 51
  - establishment of, 48.1(1)
  - forms
    - Mediation-Adjudication, Appendix, O
  - Guide to Understanding the Canadian Human Rights Tribunal, Appendix K
  - head office, 48.7
  - inquiry re member
    - confidentiality, 48.3(7), (8)



## Index

- TRIBUNAL (*cont'd*)
- • evidentiary rules, 48.3(9)
  - • inquirer, appointment of, 48.3(3)
  - • intervenors, 48.3(10)
  - • member's right to be heard, 48.3(11)
  - • powers of inquirer, 48.3(4)
  - • public nature of, 48.3(6)
  - • recommendations, 48.3(13)
  - • report, 48.3(12), (14)
  - • staff, 48.3(5)
  - members
    - • chairperson and vice-chairperson, functions of, 48.4(2)–(4)
    - • constitution of, 48.1(1)
    - • discipline, *see remedial/disciplinary measures*
    - • expiration of appointment, acting after, 48.2(2)
    - • full-time and part-time appointees, 48.4(1)
    - • inquiry re, *see inquiry re member*
    - • legal qualifications of, 48.1(3)
    - • qualifications of, 48.1(2)
    - • reappointment of, 48.2(3)
    - • regional representation, 48.1(4)
    - • remuneration and expenses, 48.6
    - • residence of full-time members, 48.5
    - • temporary (incapacity), 48.1(5)
    - • temporary (workload), 48.1(6)
    - • terms of office, 48.2(1)
  - proceedings, conduct of, 48.9(1)
  - remedial/disciplinary measures
    - • inquiry, establishment of, *see inquiry re member*
    - • measures available, 48.3(2)
    - • request for Minister's decision, 48.3(1)
  - rules of procedure (Proceedings On or After July 11, 2021), Appendix I
    - • addition of parties and interested persons, Rule 27–29
    - • book of authorities, Rule 42
    - • case management conference, Rule 30–31
    - • consequences of non-compliance, Rule 9–10
    - • decision, time limits for, Rule 43–45
    - • definitions, Rule 1
    - • general, Rule 3–8
    - • hearing and evidence, Rule 32–41
    - • interest on orders to pay compensation, Rule 46
    - • motions and adjournments, Rule 26
    - • non-application, Rule 2
    - • request to institute inquiry, Rule 17
    - • service and filing, Rule 11–16
    - • statements of particulars, Rule 18–25
    - • tribunal's official record, Rule 47
  - rules of procedure (Proceedings Prior to July 11, 2021), 48.9(2)–(4), Appendix H
    - • addition of parties and interested persons, 48.9(2)(b)
    - • discovery proceedings, 48.9(2)(e)
    - • evidence, introduction of, 48.9(2)(g)
    - • production and service of documents, 48.9(2)(d)
    - • representation by non-lawyers, Appendix L
    - • summoning witnesses, 48.9(2)(c)

Index

TRIBUNAL (*cont'd*)

- witness fees, 50(6)

**UNDUE HARDSHIP**, 15(2)–(7)

**WAGES**, *see* **EQUAL WAGES**