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### LAW OF HUMAN RIGHTS IN CANADA

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With in-depth analysis, expert commentary and decisions from all jurisdictions in Canada, *The Law of Human Rights in Canada: Practice and Procedure* provides thorough coverage of human rights law and procedure in every Canadian jurisdiction. This resource provides a review of the legislation and its application for all provinces and territories as well as the federal jurisdiction, policy statements from selected jurisdictions, and policies and guidelines on various Human Rights Commissions. It also offers detailed direction on initiating, defending against and preventing human rights complaints. Coverage includes prohibited grounds of discrimination, the defences available to a complaint of discrimination, the remedies available to a complainant and the complaint procedure, including appeals and judicial review.

#### What's New in this Update:

This release features updates to Chapter 1—What is Discrimination?, Chapter 2—Scope and Application, Chapter 3—Age Discrimination, Chapter 6—Genetic Discrimination, Chapter 11—Sex Discrimination, Chapter 16—Bona Fide Occupation Requirement Defence and the Duty to Accommodate, Chapter 18—Remedies, Chapter 19—Procedural Matters and Chapter 20—Appeals and Judicial Review.

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## Highlights

- **Part I—Overview of Discrimination—Chapter 1—§ 1:3. What is Discrimination?**—The concept of discrimination involves comparing the treatment afforded one group with that afforded another. It is not merely that a disadvantaged group has an unmet need. This point was the basis of the Court overturning a ruling by the Ontario Human Rights Tribunal involving the capping of autism benefits. The Court found that the Tribunal’s reasoning failed to establish how the complainant’s autism disability was a factor in the alleged adverse treatment. Specifically, it did not identify a benefit denied to the complainant that was available to others: *Ontario (Minister of Children, Community and Social Services) v. D.I.*, 2025 ONSC 658 (Div Ct).
- **Part I—Overview of Discrimination—Chapter 2—II. Areas in Which Discrimination is Prohibited—§ 2:8. Notices**—In *Chilliwack Teachers’ Association v. Neufeld (No.3)*, 2024 BCHRT 232 (B.C. Human Rights Trib.), a teachers’ union made a complaint about the comments made by an elected trustee concerning 2SLGBTQ+ persons. He made his statements in person and on the internet. As a preliminary issue, he challenged the constitutionality of s. 7 of the *Code*, prohibiting discriminatory publications, as it applies to his comments on the internet. The Tribunal ruled that the complaint and the comments made on the internet were within Provincial jurisdiction.
- **Part IV—Remedies and Procedure—Chapter 20—III. Procedural Errors—§ 20:25. Bias**—In *Canadian Human Rights Commission v. The Attorney General of Canada*, 2025 FC 18 (F.C.) the Federal Court set aside the decision of the Tribunal upon finding that the Chair of the Tribunal demonstrated an “apprehension of unconscious bias” and lost the necessary objectivity required when he dismissed the complaint before him.