

INDEX

The commentary, Practice Directions, Regulations, and Rules entries in the index are referenced to page numbers.

The *Human Rights Code* statute entries are referenced to the section numbers of the *Code* preceded by the acronym HRC.

For example, in the entry:

Accommodation, 25; HRC 2(1),

25 refers to pages 25, and

HRC 2(1) refers to section 2(1) of the *Human Rights Code*.

- Accessibility for Ontarians with Disabilities Act, 2005***, 160, 348
- Accommodation**, 25; HRC 2(1), 21
- age, 76
 - business practices permissible to landlords, HRC 21(3); Ont. Reg. 290/98
 - disability and education, 66
 - harassment in, 27; HRC 2(1), 7
 - minor, 26; HRC 4
 - reasonable, HRC 24(2)
 - shared, HRC 21(1)
- Accommodation of individual circumstances**, *see* Duty to accommodate
- Age discrimination**, 69
- employment, 71
 - health care, 75
 - housing accommodation, 76
 - insurance services, 76
 - liquor, 77
 - sixty-five or over, 35, 71, 74; HRC 15
 - tobacco and vapour products, 77
- Announced intention to discriminate**, HRC 13
- Anti-racism secretariat**, HRC 31.3
- Applications on behalf of another person**, HRC 34(5)
- applicant
 - • role and responsibilities, 373, 435
 - claimant
 - • legal capacity, 373
- Areas of freedom from discrimination**, *see* Discrimination
- Bona fide* occupational requirements and accommodation**, 20; HRC 11(2), 24(2)
- Canadian citizenship**, HRC 16

- Charter of Rights and Freedoms**, 7, 435
- Civil remedy**, 167; HRC 46.1
- Constructive discrimination**, HRC 11(1)
- Contracts**, 9, 38; HRC 3, 26(1)
- Corporate liability**, 148
- Crown, Act binds**, HRC 47
- COVID-19 and the Code**
- Commission policy statement, 155
 - disability aid, 68
- Definitions**, 421, 427; HRC 10, 46, 49
- affected person, 427
 - age, HRC 10(1)
 - bargaining agent, 427
 - case conference, 427
 - Code, 425
 - Commission, HRC 46; 427
 - Confirmation of Hearing, 427
 - disability, HRC 10(1)
 - discrimination, 17
 - effective date, HRC 49
 - employment, 27
 - equal, HRC 10(1)
 - family status, 105; HRC 10(1)
 - file, 427
 - group insurance, HRC 10(1)
 - harassment, HRC 10(1)
 - holiday, 427
 - Legal Support Centre, 427
 - marital status, HRC 10(1)
 - member, 427
 - Minister, HRC 46
 - new Part IV, HRC 49
 - old Part IV, HRC 49
 - party, 428
 - person, HRC 46
 - proceedings, 428
 - record of offences, HRC 10(1)
 - regulations, HRC 46
 - rules and procedures, 421
 - rules, 428
 - sacred place, HRC 18(3)
 - services, 24, HRC 10(1)
 - spouse, HRC 10(1)
 - Tribunal, 421, 428; HRC 46
 - Tribunal rules, HRC 46
 - vice-chair, 428
- Disability**, 45; HRC 10(1), 17, *see also* duty to accommodate
- drug and alcohol testing, 60
 - education, 66
 - employment, 48
 - housing accommodation, 65
 - pre-employment medical testing prohibited, 31

Index

- Disability, 45; HRC 10(1), 17,
see also duty to accommodate
(*cont'd*)
- protected ground of discrimination, 18, 45
- Disability rights secretariat,**
HRC 31.4
- Discrimination** *see also*
Grounds of discrimination
- age, *see* Age discrimination
 - • announced intention to,
HRC 13
 - areas of protection under the
Code, 13, 42
 - association, because of, HRC
12
 - *bona fide* occupational
requirements, 20-23; HRC
11, 24
 - • cost, 21
 - • health and safety, 22
 - • outside funding, 22
 - constructive, HRC 11
 - contracts, 38; HRC 3, 26(1)
 - defined, 17
 - employment, *see*
Employment
 - grounds, *see* Grounds of
discrimination
 - housing accommodation, *see*
Accommodation (i.e. hous-
ing)
 - race or colour, 87
 - reprisal, 40; HRC 8
 - services, 24
 - sex, *see* Sex discrimination
 - special programs, 23; HRC
14(2)
 - vocational associations, 40
- Divisional Court, stated case to,**
HRC 45.6
- Duty to accommodate**
- bona fide occupational re-
quirements, 20; HRC 11;
HRC 24
 - • cost, 21
 - • health and safety, 22
 - • outside funding, 22
 - • special programs, 23
 - reasonable, HRC 24(2)
 - undue hardship, HRC 24(3)
- Employment, 27; HRC 5**
- accommodation, *see* Duty to
accommodate
 - age, 69
 - benefits, 34
 - bona fide occupational
requirements, 20; HRC 11,
24
 - cannabis, 22, 60, 61
 - conditional on membership
in pension plan, HRC 25(1)
 - corporate liability, 152

- Employment, 27; HRC 5
(*cont'd*)
- defined, 27
 - disability, 48
 - discrimination at hiring stage, 30
 - • discriminatory employment advertising, HRC 23(1)
 - • discriminatory interview questions, HRC 23(2)
 - drug and alcohol testing, 46, 60
 - equal treatment, HRC 5(1)
 - family status, 105
 - government contract, under, HRC 26
 - harassment in, 35; HRC 5(2), 7(2), (3)
 - special, 33; HRC 24(1)
 - trade unions, role of, 37
- Employment Standards Act, 2000**, 34, 72, 79, 132, 160
- Gender identity and expression**, 85
- Grounds of discrimination**, 45
- age, 68
 - • employment, 70
 - • health care, 75
 - • housing accommodation, 76
 - • insurance services, 76; HRC 22
 - • liquor, 77, HRC 20(2)
 - • sixty-five or over, HRC 15
 - • tobacco and vapour products, 78; HRC 20(4)
 - ancestry, place of origin and ethnic origin, 93
 - *Bill 35, Human Rights Code Amendment Act, 2018*, 15
 - *Bill 40, the Human Rights Code Amendment Act (Genetic Characteristics)*, 2018, 15
 - citizenship, 96; HRC 16
 - creed, 98
 - • COVID, 104
 - • exemptions, creed based, 100
 - • hours of work and, 101
 - disability, 45; HRC 10(1)
 - • contagious diseases (COVID-19), 68
 - • drug and alcohol testing, 60
 - • education, 66
 - • employment, 48
 - • housing accommodation, 65
 - family and marital status, 105
 - • child care responsibilities, 107
 - • disability of family member, 114

Index

Grounds of discrimination, 45 (*cont'd*)

- • elder care responsibilities, 110
- • identity of spouse or family member, 106
- gender identity and gender expression, 85
- most common, 146
- percentage of applications by ground, 115
- proposed grounds, 14
- record of offences, 92
- race or colour, 87
- • racial harassment, 90
- same-sex couples, 104
- sex, 77
- • gender-based dress codes, 85
- • pay equity, 163
- • pregnancy, 78; HRC 10(2)
- • sexual harassment, 81
- sexual orientation, 103

Harassment

- employment, 35; HRC 5(2), 7(2)
- extension of workplace beyond physical boundaries, 36

- housing accommodation, in, 27; HRC 2(2), 7(1)

History

- evolution of human rights legislation in Ontario, 3
- • *Canadian Charter of Rights and Freedoms*, 7
- • legislating against discriminatory government acts, 5
- • legislating against discrimination in employment and accommodation, 4
- • legislating against discrimination in specified circumstances, 3
- • preamble to the *Code*, 10
- • quasi-constitutional status of human rights legislation, 8, 152
- • unified legislation: Ontario *Human Rights Code*, 6
- historical influences, 1

Housing accommodation, *see* Accommodation (i.e. housing)

Human Rights Code Amendment Act, 2006, 15, 117, 122, 123, *see also* Transitional provisions

- Human Rights Commission**, *see* Ontario Human Rights Commission
- Human Rights Legal Support Centre**, 16, 149; HRC 45.11-45.18
- annual report, HRC 45.17.1
 - audit, HRC 45.18
 - board of directors, HRC 45.14
 - establishment of, HRC 45.11
 - government funding, HRC 45.15
 - money not part of Consolidated Revenue Fund, HRC 45.16
 - objects, HRC 45.12
 - regulations, HRC 48
 - support services, provision of, 149; HRC 45.13
- Human Rights Tribunal of Ontario**, HRC 32-45.9; *see also* Human Rights Tribunal of Ontario — Rules of procedure, Practice Directions
- applications, 125, 126, 128, 142; HRC 35
 - application by Commission, 128; HRC 35
 - application by person, 125; HRC 34
 - Commission policies, HRC 45.5
 - communicating with, practice direction, 253, *see also* Practice Directions
 - decisions, HRC 45.8
 - deferral of application, HRC 45
 - dismissal of application, HRC 45.1
 - evidence used in proceedings, HRC 31.2
 - forms, list of, 457
 - hearings
 - before tribunal, 136, 138, 280, 381
 - summary, 135, 347, 408
 - inquiry, HRC 44
 - interpretation of Part and rules, HRC 41
 - interventions, 202; HRC 37
 - judicial review of decision, 145
 - mediation, 134
 - orders, HRC 45.2, 45.3, 45.9(8)
 - overlap with other forums, 160
 - panels, HRC 33
 - parties, HRC 36
 - powers of, HRC 39
 - remedial, 141
 - pre-hearing procedure, 136
 - preliminary objections, 128

Index

- Human Rights Tribunal of Ontario, HRC 32-45.9; (*cont'd*)
- reconsideration, HRC 24.6(7), 45.7
 - referrals to Commission, HRC 45.4
 - responding to application, 127
 - rules, HRC 43
 - service standards for mediations, hearings and decisions, 146
 - settlements, HRC 45.9
 - stated case to Divisional Court, HRC 45.6
 - transitional provisions, HRC 49-57
- Human Rights Tribunal of Ontario Specific Rules — Rules of procedure**
- abuse of process, 422
 - accommodation of *Code*-related needs, 422
 - application and interpretation, 419, 421
 - applications
 - • Commission applications under s 35 of *Code*, 445
 - • s 34(1) or 34(5) of *Code*, 436
 - • with request to defer consideration, 438
 - • withdrawal of, 441
 - case assessment direction, 450
 - case processing and case management, 367
 - communications with Tribunal and other parties, 371, 375, 430
 - confidentiality of documents, 433
 - contravention of settlements, 457
 - courtesy and respect, 422
 - deferral, 447
 - definitions, 421, 427
 - delivering documents to parties and other persons, 432
 - • verifying delivery, 432
 - disclosure of documents, 449
 - disclosure of witnesses, 449
 - dismissal of application outside jurisdiction, 446
 - expedited proceedings, 454
 - filing documents with Tribunal, 430
 - form of proceedings, 432
 - forms, 457
 - interim remedies, 456
 - • practice direction, 400
 - language of proceedings, 290, 422

- Human Rights Tribunal of Ontario Specific Rules — Rules of procedure (*cont'd*)
- litigation guardians, 424
 - • declarations, 424
 - • naming and removing, 425
 - • responsibilities, 426
 - mediation, 448
 - mediation-adjudication, 448
 - non-attendance, 434
 - non-compliance with rules, 435
 - notice of constitutional question, 435
 - participation of affected persons or organizations, 435
 - powers of Tribunal, 421, 428
 - public proceedings, 434
 - reconsideration, request for, 331, 390, 458
 - recording proceedings, 434
 - • anonymization, practice direction, 414
 - reply, 441
 - representatives, 423
 - request for order during proceedings, 451
 - request to amend clerical errors, 457
 - request to intervene, 442
 - • bargaining agent, 444
 - • Commission with consent of applicant, by, 444
 - • Commission without consent of applicant, by, 443
 - • person or organization other than Commission, by, 442
 - response to application, 439
 - setting dates, 403, 433
 - stated case to Divisional Court, 460
 - summary hearings, 452
 - summonses, 433
 - time, calculation of, 430
 - Tribunal-initiated preliminary consideration of jurisdiction, 446
 - Tribunal-ordered inquiries, 453
 - where substance dealt, 455
- Infringement prohibited**, HRC 9
- Insurance contracts, restrictions for**, HRC 22
- Landlord-tenant matters**, 26, 69, 228
- Legal Support Centre**, *see* Human Rights Legal Support Centre
- Minimum drinking age**, 77; HRC 20(2)
- Non-Compliance with Rules**, 435

Index

- Notice of Constitutional Question**, 445
- Occupational Health and Safety Act**, 84
- Officers, acts of**, HRC 46.3
- Ontario Human Rights Commission**, 15, 117; HRC 27-31.7
- advisory groups, HRC 31.5
 - annual report, HRC 31.6
 - anti-racism secretariat, HRC 31.3
 - application to Tribunal, 123; HRC 35
 - competing claims, 159
 - disability rights secretariat, HRC 31.4
 - disclosure of information to Commission by Tribunal, HRC 38
 - documents published by, 121; HRC 45.5
 - functions of, HRC 29
 - *Human Rights Code Amendment Act, 2006*, 117
 - inquiries, 119; HRC 31
 - interventions by, 118; HRC 37
 - matters referred to by Tribunal, HRC 45.4
 - other reports, HRC 31.7
 - policies and guidelines, 120; HRC 30, 45.5
 - public education, 119
 - role, 118
 - search warrant, HRC 31.1
 - transitional provisions, 122; HRC 49-57
- Pay Equity Act**, 163
- Penalty**, HRC 46.2
- Practice Directions**
- anonymization of HRTO decisions, 414
 - communicating with the Human Rights Tribunal of Ontario, 375
 - electronic filing by licensed representatives, 379
 - establishing regular contact person for organization, 371
 - filing applications on behalf of another person under s 34(5) of *Code*, 373
 - hearings before the Human Rights Tribunal of Ontario, 381
 - hearings in regional centres, 289, 385
 - intervention by a bargaining agent, 412
 - litigation before, 357
 - naming respondents, 244, 386

Practice Directions (*cont'd*)

- new case processing system and case management conference calls, 367
- reconsideration, 353, 390
- recording hearings, 394
- representation before Social Justice Tribunals Ontario, 241, 297, 353
- requests for language interpretation, 297
- requests to expedite an application and requests for an interim remedy, 397
- scheduling of hearings and mediations, rescheduling requests and requests for adjournments, 403
- summary hearing requests, 337, 408

Pregnancy, 78

Prosecution, 152; HRC 46.2

Quasi-constitutional status, 8-10, 152, 416

Race or colour discrimination, 87, 93

Reconsideration of Tribunal decision, HRC 45.6(7). [step 9]

Recreational clubs, HRC 20(3)

Regulations, HRC 48, 56

- business practices permissible to landlords (290/98), 228

Reprisals, freedom from, 40; HRC 8

Restrictions of facilities by sex, HRC 20(1)

Separate school rights preserved, HRC 19(1)

Services, 24; HRC 1

Settlements, HRC 45.9, 54

Sex discrimination, 77, *see also* Gender identity and expression

- gender-based dress codes, 84
- pay equity, 157
- pregnancy and, 78; HRC 10(2)
- sexual harassment, 81

Sexual orientation discrimination, 103

Social areas *see* Discrimination

Solemnization of marriage by religious officials, HRC 18.1

Special interest organizations, HRC 18

Special programs, 23; HRC 14

- orders respecting, transitional provisions, HRC 50

Statutory Powers Procedure Act, HRC 42

Tobacco and liquor and young persons, 77; HRC 20(4)

Trade unions, role of, 37

Index

- Transitional provisions, HRC**
49
- application of s 32(3), HRC 51
 - Commission, HRC 53
 - regulations, HRC 56
 - review, HRC 57
 - Tribunal decisions before effective date, HRC 52(3)
 - Tribunal powers before effective date, HRC 52(1)
- where complaints referred to Tribunal, HRC 55
- Tribunal, see** Human Rights Tribunal of Ontario
- Vocational associations, 40;**
HRC 6
- Workplace Safety and Insurance Act, 1997*, 23, 46, 60, 74, 160, 162, 175; HRC 10(1)**