

Index

ACCESSIBILITY

- 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**
- Accessible Canada Act, **App. W**
- Accessible Canada Regulations, **App. X**

ACCOMMODATION

- Individual needs, of, **2**
- Undue hardship, to point of, **15(2)**

ACCOMMODATIONS, DENIAL OF

- Generally, **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

- Generally, **App. R**

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

- Generally, **App. Q**

CANADIAN HUMAN RIGHTS COMMISSION

- Accessibility Unit, **32.1**
- Assignment of duties to other persons, **28(1)**
- By-law, 37, **App. N**
- 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)**
- Establishment of, **26(1)**

**CANADIAN HUMAN RIGHTS
COMMISSION—Cont'd**

Guidelines re application of Act,
27(2) to 27(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), 34(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**

Generally, **App. N**

**CANADIAN HUMAN RIGHTS
TRIBUNAL**

See **TRIBUNAL**

**CHARTER OF RIGHTS AND
FREEDOMS**

Generally, **2**

CHILD BIRTH

Proscribed discrimination, **3(2)**

CHILD CARE BENEFITS

Generally, **15(1)(f)**

**COMMERCIAL PREMISES,
DENIAL OF**

Generally, **5, 6**

COMPLAINTS

Discrimination/intimidation against
complainant, **59**

Employment Equity Act complaints
declining to deal with, **41(2)**
exception, **40(3.1)**

“designated groups”, defined,
40.1(1)

“employer”, defined, **40.1(1),
41(3)**

restrictions, **40.1(2)**

text of Act, **App. S**

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), 40(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 com-
plaint, **41(1)(d)**

untimely complaint, **41(1)(e)**

Status of individual re, **40(6)**

Victim consent requirement, **40(2)**

Withdrawal, **App. I**

COMPLAINTS INQUIRIES

See **TRIBUNAL**

CONCILIATOR

Appointment of, **47(1)**

Confidentiality requirements, **47(3)**

CONCILIATOR—Cont'd

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), 48.3(8)**

**CONTRACT/LICENCE/GRANT,
CROWN**

Regulations re, **23**

CONVICTION FOR OFFENCE

Definitions, **25**

CRIMINAL RECORD

Refusal to employ, **7(a)**

CROWN BOUND

Generally, **66**

CROWN EMPLOYEES

Canadian Forces members, **64**
 RCMP members, **64**

**DECISIONS/ORDERS OF
TRIBUNAL**

Cease and desist/redress/prevention
 order, **53(2)(a)**
 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)**
 Disclosure of information, applica-
 tion 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)**

**DECISIONS/ORDERS OF
TRIBUNAL—Cont'd**

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, Commis-
 sion 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**

Generally, **33(2), 40.01, 58**

DISCRIMINATION

See **PROSCRIBED DISCRIMINA-
TION**

**DISCRIMINATION AGAINST
COMPLAINANT**

Generally, **59**

**DISCRIMINATORY NOTICE,
PUBLICATION OF**

Generally, **12**

DISCRIMINATORY PRACTICES

See **EXCEPTIONS TO
DISCRIMINATORY PRAC-
TICES**
 Defined, **39**
 Denial of commercial premises/
 residential accommodation, **6**
 Denial of good/service/facility/
 accommodation, **5**
 Discriminatory notices, etc., publi-
 cation of, **12**

DISCRIMINATORY PRACTICES

—Cont'd

- Employee organizations, **9**
- Employment, generally
 - See EMPLOYMENT DISCRIMINATION
- Employment applications/
advertisements, **8**
- Employment policies/practices, **10**
- Harassment, **14(1)**
- Multiple allegations, **40(4.1) to 40(4.2)**
- Orders re, **4**
- Pay Equity Division, **36.1, 40(4.1) to 40(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

- Generally, **8**

EMPLOYMENT

DISCRIMINATION

- Differentiate adversely, **7(b)**
- age, **7(b)**

EMPLOYMENT

DISCRIMINATION—Cont'd

- Differentiate adversely, **7(b)**
 - Cont'd
 - 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)**
 - colour, **7(a)**
 - criminal record, **7(a)**
 - disability, **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)**

EMPLOYMENT EQUITY ACT

- Generally, **App. S**
- Guide to the Operations of the
Employment Equity Review
Tribunal, **App. T**

**EMPLOYMENT EQUITY ACT
COMPLAINT**

- See COMPLAINTS

EMPLOYMENT POLICIES/PRACTICES
 Generally, **10**

EQUAL WAGES
 Gender difference, prohibition, **11(1)**
 Guidelines, **App. O**
 Pay Equity Act, **App. U**
 Pay Equity Commission jurisdiction, **40.2**
 non-application of ss. 7, 10 and 11, **40.2**
 Pay Equity Commissioner, **38.3 to 38.4**
 Pay Equity Division, **36.1**
 Pay Equity rules respecting, **App. V**
 Pay Equity Unit, **32.2**
 Prescribed reasonable factors, **11(4), 11(5)**
 Reduction of wages, **11(6)**
 Separate establishments, **11(3)**
 “Wages” defined, **11(7)**
 Work value assessment, **11(2)**

EQUAL WAGES GUIDELINES
 Generally, **App. O**

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)**

EXCEPTIONS TO DISCRIMINATORY PRACTICES—Cont’d
 Bona fide occupational requirement, **15(1)(a)**—Cont’d
 marital status, **15(1)(a)**
 race, **15(1)(a)**
 religion, **15(1)(a)**
 sex, **15(1)(a)**
 undue hardship, regulations re, **15(3) to 15(7)**
 Direct/adverse effect discrimination, application re, **15(8)**
 Maximum age, **15(1)(b)**
 Pension funds/plans, **15(d.1), 15(1)(d)**
 Pregnancy/child care benefits, **15(1)(f)**
 Reasonable discrimination, **15(1)(e)**
 Undue hardship, **15(2) to 15(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)**

GENETIC CHARACTERISTICS
 Differentiate adversely, **7(b)**
 Proscribed discrimination, **3(1), 3(3)**
 Refusal to employ/continue to employ, **7(a)**

| | |
|--|--|
| GOODS AND SERVICES, DENIAL OF Generally, 5 | MINISTER OF JUSTICE Remedial/disciplinary measures, decision re, 48.3(1) Responsibility for Act, 61.1 |
| GUIDELINES Age Guidelines, App. R Equal Wages Guidelines, App. O Virtual Proceedings, App. K | NATIONAL/ETHNIC ORIGIN See also ETHNIC ORIGIN Proscribed discrimination, 3(1) |
| HARASSMENT Generally, 14(1) Employment, 14(1)(c) | NATIONAL ORIGIN Differentiate adversely, 7(b) |
| HUMAN RIGHTS TRIBUNAL APPEAL REGULATIONS Generally, App. P | NATIONAL SECURITY ISSUES Commission disposition options, 45(2) Commission's action on receipt of Review Committee report, 46(2) National Security and Intelligence Review Agency Act, application of, 45(5) 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, App. H, 45(4) |
| INQUIRIES See TRIBUNAL | OFFENCES Attorney General consent, 60(4) Conduct, 60(1) Limitation period, 60(5) Prosecution of employer/employer organization, 60(3) Punishment, 60(2) |
| INTIMIDATION OF COMPLAINANT Generally, 59 | ORDERS See DECISIONS/ORDERS OF TRIBUNAL |
| 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) | ORDERS RE DISCRIMINATORY PRACTICES Generally, 4 |
| JURISDICTION Lack of, 41(1)(c) Tribunal, of, 2, 50(2) | PENSION FUNDS/PLANS Establishment of separate plans, 21 |
| 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) | |

- PENSION FUNDS/PLANS—Cont'd**
 Exceptions to discriminatory practices, **15(d.1), 15(1)(d)**
 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(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**
 Generally, **12**
- PUNISHMENT FOR OFFENCE**
 Generally, **60(2) to 60(3)**
- PURPOSE OF ACT**
 Generally, **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**
 Generally, **15(1)(e)**
- RELIGION**
 Differentiate adversely, **7(b)**
- REPORT OF INVESTIGATION**
 Action on receipt of, **44(2), 44(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**
 Generally, **6**
- RETALIATION**
 Generally, **14.1**
- REVIEW COMMITTEE**
 See NATIONAL SECURITY ISSUES
- ROYAL CANADIAN MOUNTED POLICE**
 Employed by Crown, as, **64**
- RULES OF PROCEDURE (PROCEEDINGS ON OR AFTER JULY 11, 2021)**
 Generally, **App. A**
- RULES OF PROCEDURE (PROCEEDINGS PRIOR TO JULY 11, 2021)**
 Generally, **App. B**
- 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

- Generally, **14(2)**

SEXUAL ORIENTATION

- Differentiate adversely, **7(b)**
- Proscribed discrimination, **3(1)**
- Refusal to employ/continue to employ, **7(a)**

SHORT TITLE

- Generally, **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, **App. E**
- 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)**

TRIBUNAL—Cont'd

- Complaints inquiries—Cont'd
 - jurisdictional matters, **50(2)**
 - member, qualification of, **49(5)**
 - non-suit motions, **50(2)**
 - powers of inquiry
 - additional powers, **50(3)**
 - generally, **50**
 - public nature of, **52(1)**
 - questions of fact/law, power to determine, **50(2)**
 - request for inquiry, **49(1)**
 - subsequently raised question, **49(6)**
 - witnesses, **50**
- Defined, **25**
- Duty of commission, **51**
- Establishment of, **48.1(1)**
- Forms
 - Mediation-Adjudication, **App. L**
- Guide to Understanding the Canadian Human Rights Tribunal (on or after July 11, 2021), **App. C**
- Guide to Understanding the Canadian Human Rights Tribunal (prior to July 11, 2021), **App. D**
- Head office, **48.7**
- Inquiry re member
 - confidentiality, **48.3(7), 48.3(8)**
 - evidentiary rules, **48.3(9)**
 - inquirer, appointment of, **48.3(3)**
 - intervenor, **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), 48.3(14)**
 - staff, **48.3(5)**
- Mediation, **App. M**
- Mediation-Adjudication, **App. L**

TRIBUNAL—Cont'd

Members

chairperson and vice-chairperson,
functions of, **48.4(2) to 48.4(4)**

constitution of, **48.1(1)**

discipline

See remedial/disciplinary
measures

expiration of appointment, acting
after, **48.2(2)**

full-time and part-time appoint-
tees, **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)**

Pay equity, rules regarding, **App. V**

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), **App. A**

addition of parties and interested
persons, **App. A, Rule 27 to 29**

book of authorities, **Rule 42**

case management conference,
Rule 30 to 31

TRIBUNAL—Cont'd

Rules of procedure (Proceedings On
or After July 11, 2021), **App.**

A—Cont'd

consequences of non-compliance,
Rule 9 to 10

decision, time limits for, **Rule 43
to 45**

definitions, **Rule 1**

general, **Rule 3 to 8**

hearing and evidence, **Rule 32 to 41**

interest on orders to pay
compensation, **Rule 46**

motions and adjournments, **App.
H, Rule 26**

non-application, **Rule 2**

request to institute inquiry, **Rule
17**

service and filing, **Rule 11 to 16**

statements of particulars, **Rule 18
to 25**

tribunal's official record, **Rule 47**

Rules of procedure (Proceedings
Prior to July 11, 2021), **App.
D, 48.9(2) to 48.9(4)**

addition of parties and interested
persons, **App. A, 48.9(2)(b)**

discovery proceedings, **48.9(2)(e)**

evidence, introduction of,

48.9(2)(g)

production and service of docu-
ments, **48.9(2)(d)**

summoning witnesses, **App. G,
48.9(2)(c)**

Virtual proceedings, guidelines for,
App. K

UNDUE HARDSHIP

Generally, **15(2) to 15(7)**

WAGES

See **EQUAL WAGES**