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LAW OF HUMAN RIGHTS IN CANADA

Russel W. Zinn

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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 Appendix IF (Issues in Focus), Appendix WP (Words and Phrases), and Appendix SLL (Selected Legal Literature).

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Highlights:

- **Appendices—Appendix IF—§ IF:4—"What constitutes employment discrimination on grounds of family status in Ontario?"—**Asks what constitutes employment discrimination on the ground of family status in Ontario. Ontario's *Human Rights Code* narrowly defines family status as the parent-child relationship, but courts have broadened it to cover step-parents, foster families, same-sex parents and eldercare. Two tests compete: BC's restrictive *Campbell River* "serious interference" test and the federal four-factor *Johnstone* test. Ontario has rejected the higher threshold — *Devaney v. ZRV Holdings* follows *Johnstone* while distinguishing genuine need from preference, and *Misetich v. Value Village* asks whether the workplace rule causes real disadvantage to the parent-child relationship or the employee's work. Post-2008 HRTO and arbitration cases turn largely on the employer's duty to inquire and explore accommodation, with successful claims drawing roughly $15,000–$20,000 in general damages; the SCC declined in *Fraser v. Canada* (2020) to recognize family status as an analogous Charter ground.
- **Appendices—Appendix WP—Genderfluid—**The accused in *R v. MJA*, 2026 ABCJ 32, 2026 CarswellAlta 493, [2026] A.W.L.D. 1347, [2026] A.W.L.D. 1348, 2026 W.C.B. 343 identified as "genderfluid", which the Court defined as someone whose gender identity and/or gender expression varies over time.