

## 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**

### AI

- See ARTIFICIAL INTELLIGENCE

### APPLICATION OF ACT

- Crown bound, **66**
- Generally, **2**
- Limitation on, **62**
- Territories, in, **63**

### ARTIFICIAL INTELLIGENCE

- Generally, **App. V**

### 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**

**CANADIAN HUMAN RIGHTS**

**COMMISSION—Cont'd**

Decisions, majority, **35**  
Disclosure of information, **33(2)**,  
**40.01**  
Divisions of, **36(1)**  
Establishment of, **26(1)**  
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)**
- 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, application re, **58**
- Dismissal of complaint, **53(1)**
- Enforcement of orders, **57**
- Interest award, **53(4)**

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

- 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**

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

**DISCRIMINATION**

- See PROSCRIBED DISCRIMINATION

**DISCRIMINATION AGAINST COMPLAINANT**

- Generally, **59**

**DISCRIMINATORY NOTICE, PUBLICATION OF**

- Generally, **12**

**DISCRIMINATORY PRACTICES**

- See EXCEPTIONS TO DISCRIMINATORY PRACTICES
- Defined, **39**
- Denial of commercial premises/residential accommodation, **6**

**DISCRIMINATORY PRACTICES**

**—Cont'd**

- Denial of good/service/facility/  
accommodation, **5**
- Discriminatory notices, etc., publi-  
cation of, **12**
- 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)**
  - 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**

**GUIDELINES**

Age Guidelines, **App. R**  
Equal Wages Guidelines, **App. O**  
Virtual Proceedings, **App. K**

**HARASSMENT**

Generally, **14(1)**  
Employment, **14(1)(c)**

**HUMAN RIGHTS TRIBUNAL  
APPEAL REGULATIONS**

Generally, **App. P**

**INQUIRIES**

See **TRIBUNAL**

**INTIMIDATION OF  
COMPLAINANT**

Generally, **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/ETHNIC ORIGIN**

See also **ETHNIC ORIGIN**  
Proscribed discrimination, **3(1)**

**NATIONAL ORIGIN**

Differentiate adversely, **7(b)**

**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)**

**OFFENCES**

Attorney General consent, **60(4)**  
Conduct, **60(1)**  
Limitation period, **60(5)**  
Prosecution of employer/employer organization, **60(3)**  
Punishment, **60(2)**

**ORDERS**

See **DECISIONS/ORDERS OF TRIBUNAL**

**ORDERS RE DISCRIMINATORY PRACTICES**

Generally, **4**

**PENSION FUNDS/PLANS**

Establishment of separate plans, **21**

- 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**
- In-person hearings, **App. J**
- Inquiry re member
  - confidentiality, **48.3(7)**, **48.3(8)**
  - 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)**, **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 appoin-  
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, App. F,  
Rule 27 to 29**

book of authorities, **Rule 42**

case management conference,  
**Rule 30 to 31**

consequences of non-compliance,  
**Rule 9 to 10**

**TRIBUNAL—Cont'd**

Rules of procedure (Proceedings On  
or After July 11, 2021), **App.  
A—Cont'd**

## A—Cont'd

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, App. F,  
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 hearings, **App. J**

Virtual proceedings, guidelines for,  
**App. K**

Witness fees, **50(6)**

**UNDUE HARDSHIP**

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

**WAGES**

See EQUAL WAGES