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Bill 35

**An Act to amend the Human Rights Code with respect to immigration status,
genetic characteristics, police records and social conditions**

Mrs. N. Des Rosiers

Private Member's Bill

1st Reading September 26, 2018

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill amends the *Human Rights Code* to include immigration status, genetic characteristics, police records and social condition as prohibited grounds of discrimination. The Act currently includes race, place of origin, gender identity, family status and disability, among other things, as prohibited grounds of discrimination.

Amendments to various provisions of the Act are made including amendments to provide that every person has a right to equal treatment, without discrimination because of immigration status, genetic characteristics, police records and social condition, with respect to services, goods and facilities, the occupancy of accommodation, the right to contract, employment and membership in various types of organizations. The right to equal treatment without discrimination because of genetic characteristics includes the right to equal treatment without discrimination because a person refuses to undergo a genetic test or refuses to disclose the results of a genetic test.

**An Act to amend the Human Rights Code with respect to immigration status,
genetic characteristics, police records and social conditions**

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1 Section 1 of the *Human Rights Code* is amended by adding “immigration status” after the word “citizenship”, and by adding “genetic characteristics, police records, social condition” after the word “age”.

2 (1) Subsection 2 (1) of the Act is amended by adding “immigration status” after the word “citizenship” and by adding “genetic characteristics, police records, social condition” after the word “age”.

(2) Subsection 2 (2) of the Act is amended by adding “immigration status” after the word “citizenship” and by adding “genetic characteristics, police records, social condition” after the word “age”.

3 Section 3 of the Act is amended by adding “immigration status” after the word “citizenship” and by adding “genetic characteristics, police records, social condition” after the word “age”.

4 Section 5 of the Act is repealed and the following substituted:

Employment

5 (1) Every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, immigration status, creed, sex, sexual orientation, gender identity, gender expression, age, genetic characteristics, police records, social condition, marital status, family status or disability.

Harassment in employment

(2) Every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, immigration status, creed, sexual orientation, gender identity, gender expression, age, genetic characteristics, police records, social condition, marital status, family status or disability.

5 Section 6 of the Act is amended by adding “immigration status” after the word “citizenship” and by adding “genetic characteristics, police records, social condition” after the word “age”.

6 (1) Subsection 10 (1) of the Act is amended by adding the following definitions:

“immigration status” means the status according to Canadian immigration law; (“statut d’immigrant”)

“police records” includes charges and convictions, with or without a record suspension, and any police records, including records of a person’s contact with police; (“dossiers de police”)

“social condition” means social or economic disadvantage resulting from,

- (a) employment status,
- (b) source or level of income,
- (c) housing status, including homelessness,
- (d) level of education, or
- (e) any other circumstance similar to those mentioned in clauses (a), (b), (c) and (d); (“situation sociale”)

(2) The definition of “record of offences” in subsection 10 (1) of the Act is repealed.

(3) Section 10 of the Act is amended by adding the following subsection:

Refusal to undergo or disclose results of genetic test

(4) The right to equal treatment without discrimination because of genetic characteristics includes the right to equal treatment without discrimination because a person refuses to undergo a genetic test or refuses to disclose, or authorize the disclosure of, the results of a genetic test.

7 (1) Subsection 16 (1) of the Act is amended by striking out “because of citizenship” and substituting “because of citizenship or immigration status”.

(2) Subsection 16 (2) of the Act is amended by striking out “because of citizenship” and substituting “because of citizenship or immigration status”.

8 Subsection 17 (1) of the Act is amended by adding “or police records” after the word “disability” at the end.

9 Section 22 of the Act is amended by adding “police records” after the word “family status” wherever it appears.

10 (1) Clause 24 (1) (a) of the Act is amended by adding “immigration status” after the word “ethnic origin” and by adding “genetic characteristics, police records, social condition” after the word “age”.

(2) Clause 24 (1) (b) of the Act is amended by striking out “record of offences” wherever it appears and substituting in each case “police records”.

Commencement

11 This Act comes into force on the day it receives Royal Assent.

Short title

12 The short title of this Act is the *Human Rights Code Amendment Act, 2018*.