

The HRLSC Guide to Asserting Your Human Rights under the *Human Rights Code*

1. Introduction

If you have experienced discrimination contrary to the Ontario *Human Rights Code* (*Code*), you have a right to file an application with the Human Rights Tribunal of Ontario (“Tribunal” or “HRTO”) within 1 year of the last incident (or series of incidents) of discrimination.

However, in some circumstances, you may be able to resolve the situation quickly without filing a human rights application.

Sometimes, employers, landlords, or staff at retail stores may not be aware of their responsibilities under the *Code* or may want to avoid the costs associated with a potential legal process.

In these situations, it may be helpful to first attempt to assert your rights, before you consider moving forward with a human rights application. You may be able to address the problem without having to resort to the sometimes long and often difficult legal process at the HRTO.

2. When should you assert your rights?

Asserting (or defending) your rights under the *Code* is usually a good first step.

It can be particularly helpful, for example, in situations where:

- The violation of the *Code* seems clear (e.g., you told your manager that you have a disability and need some workplace accommodations, but your manager ignored your request);
- You have an ongoing relationship with the person or organization that is discriminating against you (e.g., the discrimination involves your current employer or landlord, and you want to maintain a positive relationship); and
- You are not asking for significant financial compensation. If you are, filing a human rights application with the Tribunal may be a better option.

How do you assert your rights?

To assert your rights effectively, you should:

- **Put Your Request in Writing:** Sending an email or letter to the manager or landlord will show that you are serious about your concerns. It will also start a 'paper trail' of evidence which will be helpful if you decide to file a human rights application in the future;
- **Tell the Right Person:** Direct it to a person in the organization or company who has the power to address the discrimination. This could be, for example, your direct manager, a human resources manager, the property manager of your building, or the owner of a store; and
- **Save a Copy:** Make sure to keep a copy of the letter and/or e-mail for your records.

3. Other general guidance

Below is some further guidance on what you can include in your letter and/or e-mail to the person, organization or company that you feel has violated your human rights.

Your letter and/or e-mail can include:

- **Relevant facts:** Describe the facts leading up to the incident of discrimination, preferably in chronological order with dates and times;
- **Connection to Code ground(s):** Explain how the unfair treatment you experienced is connected to a prohibited ground of discrimination, such as your race, age, disability, sex, religion, and/or place of origin, etc.;
- **Assertion of Code rights:** State that you believe your rights under the *Code* have been violated;
- **Resolution and timeline:** Explain what you want your employer, landlord, etc., to do to address the discrimination (e.g. a temporary accommodation, a policy change, etc.) and provide a reasonable deadline for their response (e.g. one week); and
- **Supporting documentation:** Provide supporting documentation if appropriate. For example, if you are requesting changes to your workplace or job related to a disability, include supporting medical documentation with your letter and/or e-mail. For more information on what kind of medical documentation is appropriate,

please see the Ontario Human Rights Commission's (OHRC) [Policy position on medical documentation](#).

4. Public legal education tools

The OHRC has many policies that can be referenced when you are standing up for your rights.

You can use excerpts from the policies in your letter/email or include a link in your email.

Below are OHRC policies associated with different types of discrimination:

- **Age**

[Policy on discrimination against older people because of age](#)

- **Creed (e.g., religious beliefs)**

[Policy on preventing discrimination based on creed](#)

- **Disability**

[Policy on ableism and discrimination because of disability](#)

[Policy on preventing discrimination based on mental health disabilities and addictions](#)

- **Family or marital status**

[Policy and Guidelines on discrimination because of family status](#)

- **Gender identity and gender expression:**

[Policy on preventing discrimination based on gender identity and gender expression](#)

- **Race, colour, ethnic origin, place of origin, ancestry, citizenship**

[Policy and Guidelines on racism and racial discrimination](#)

[Policy on Removing the "Canadian experience" barrier](#)

[Policy statement on Francophones, language and discrimination](#)

- **Sex/gender**

[Policy on preventing sexual and gender-based harassment](#)

[Policy on preventing discrimination because of pregnancy and breastfeeding](#)

- **Sexual orientation**

[Policy on discrimination and harassment because of sexual orientation](#)

- **Housing**

[Policy on human rights and rental housing](#)

- **Education**

[Policy on accessible education for students with disabilities](#)

- **Other policies**

[Human rights at work 2008 - 3rd edition](#)

[OHRC policy position on medical documentation](#)

5. The Possibility of Reprisal

While asserting your rights can be an effective way to resolve a human rights issue, it can sometimes lead to a negative reaction or act of retaliation, or in the words of the *Code* - reprisal.

Some employers, landlords, shop owners, etc., may not react positively to being told they have potentially violated the *Code*. They may try to act against you. They could, for example, deny you services, try to evict you, or even terminate your employment.

It is important to remember that reprisal for asserting your *Code* rights is also a violation section 8 of the *Code* and could be a basis for a human rights application to the HRTO.