

New Prohibited Grounds of Discrimination May be Added to Ontario's *Human Rights Code*

October 16, 2017

The Human Rights Code Amendment Act, 2017 ("Bill 164") was introduced to the Ontario Legislature and passed First Reading on October 4, 2017. Bill 164 proposes to add four new prohibited grounds of discrimination to Ontario's *Human Rights Code*:

1. Immigration status: Bill 164 defines this as "the status according to Canadian immigration law".
2. Genetic characteristics: Bill 164 specifies that the right to equal treatment 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. If Bill 164 passes into law, Ontario would be the second jurisdiction to prohibit discrimination on the basis of genetic characteristics; earlier this year, the *Canadian Human Rights Act* was amended to include genetic characteristics as a prohibited ground.
3. Police records: This ground would replace "record of offences", which is an existing prohibited ground of discrimination under the *Human Rights Code*. Currently, "record of offences" is narrowly defined to include convictions for a provincial offence, or for a criminal offence for which a pardon has been granted. Bill 164 provides a broad definition of "police records" to include charges and convictions, with or without a record suspension, and any police records, including records of a person's contact with police.
4. Social condition: Also broadly defined, Bill 164 provides that 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 circumstances similar to those mentioned in clauses a), b), c), and d)."

Ontario employers should be aware that if passed, Bill 164 will prohibit discrimination and harassment in employment based on these new grounds in addition to those currently stated in Ontario's *Human Rights Code* (except for "record of offences", which would be repealed).

Bill 164 is a private member's bill introduced by Liberal MPP Nathalie Des Rosiers. We will continue to monitor the progress of this bill, and provide updates accordingly.