

STEP 4: RESOURCES

Ontario's human rights system consists of three separate and independent parts:

1. The Ontario Human Rights Commission (the "OHRC") develops policies and provides targeted public education, monitors human rights, does research and analysis, and conducts human rights inquiries. In matters affecting the broad public interest, it may take its own cases to the HRTO or intervene in human rights cases before the HRTO.

The Human Rights Commission has useful information on your rights, information in respect of each specific code ground, as well as specific policies and guidelines.

See the guidelines on its website regarding your rights and responsibilities.

Website: www.ohrc.on.ca

2. The Human Rights Legal Support Centre (the "Legal Support Centre") helps people who file applications with the HRTO. Services may include advice, support and legal representation. It can provide advice about next steps and help with the application process.

If you need legal help, contact the Human Rights Legal Support Centre at:

Toll Free: 1-866-625-5179

TTY Toll Free: 1-866-612-8627

Website: www.hrlsc.on.ca

3. The Human Rights Tribunal of Ontario (HRTO) (the "HRTO") decides if someone's human rights have been violated. The HRTO is where human rights applications are filed and decided.

Refer to the Fact Sheets available on the Human Rights Tribunal Website for more information on filing an Application (Complaint) under the *Human Rights Code*.

Website: www.tribunalsontario.ca/hrto

An electronic version of this brochure with embedded links is available at www.osstf.on.ca



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NAVIGATING MY HUMAN RIGHTS COMPLAINT



STEP 1: IDENTIFICATION— IS THERE A BREACH OF THE HUMAN RIGHTS CODE?

The *Human Rights Code of Ontario* ensures that individuals have a right to equal treatment without discrimination as well as the right to be free of harassment based on specific identified grounds. Does your issue fall under the grounds of discrimination set out in s. 5 of the *Human Rights Code*?

- Race
- Ancestry
- Place of Origin
- Colour
- Ethnic Origin
- Citizenship
- Creed (Religion)
- Sex (includes pregnancy and sexual harassment)
- Sexual Orientation
- Gender Identity
- Gender Expression
- Age
- Record of Offences
- Marital Status
- Family Status
- Disability (includes a perceived disability)

STEP 2: GATHER FACTS

- **Make notes of any actions** that you believe may have breached your human rights, if possible, at the time at which they occur;
- **Record the identity of any witnesses** who may have seen or heard the relevant actions or comments;
- **Record dates and notes** of the actions or comments of others which you believe may have breached your human rights;
- **NOTE:** these records may be required in a legal proceeding and should be written with that in mind;
- **DO NOT** use work time or the Employer's equipment to make or store notes.
- **DO** discuss your concerns as soon as possible with your local union representative.

STEP 3: DETERMINE THE COURSE OF ACTION

- **Access the Employer's Workplace Harassment Policy**
- **Ask your Union Rep if they should File a Grievance**
- **Make a Complaint to the Human Rights Tribunal**

It is possible to pursue any of these options and you can pursue more than one option. You should speak with your local union representative to determine the best course of action in your specific case.

**OSSTF/FEESO's policy supports members with respect to the *Human Rights Code* breaches by addressing the issues using the grievance procedure.

Please discuss ALL potential *Human Rights Code* breaches with your local union representative.

Employer's Workplace Harassment Policy

- The first step is often to utilize the complaints process under the employer's own policy, as the employer is responsible for providing a workplace free from harassment and discrimination.
- An important benefit of using the employer's policy is that the harassment is not limited to the specific identified grounds set out in the *Human Rights Code*.
- Additionally, your employer may have a specific policy, complaints procedure and/or department to deal with harassment based on the *Human Rights Code*.
- You can file a complaint with or without the assistance of a union representative, however, we would encourage you to contact your local union representative.
- Your employer is required to investigate and respond. This may be conducted by an internal investigation or an employer-hired third-party investigator. Note that the employer may or may not use adequately skilled or independent investigators, and as such a best practice is to also ask your union rep if this is a grievance that could be filed.

Grievance

- A grievance can address breaches of the collective agreement as well as breaches of legislation such as the *Occupational Health and Safety Act* or the *Human Rights Code*.
- As a result, the remedies available to you may be broader than remedies available through a complaint at the Human Rights Commission (i.e. overturning discipline or restoring collective agreement rights.)
- Contact your union representative to discuss whether a grievance should be filed.

Complaint to the Human Rights Tribunal

- A complaint to the Human Rights Tribunal of Ontario (HRTO) can be done without the assistance of a union representative. Complaints are done by submitting an application form, which can be downloaded from the Human Rights Tribunal of Ontario website.
- There is a Human Rights Legal Support Centre which is available to assist complainants, see Website: <https://hrlsc.on.ca/have-you-experienced-discrimination>
- You must file your application within one year of when the alleged discrimination happened (or from the last instance in a pattern of discrimination).
- Note that for unionized employees, the HRTO will typically put the complaints process in abeyance (on hold) if there is a grievance filed on the same matter so that the grievance will proceed first.
- The HRTO can dismiss all or part of an application where the HRTO finds that another proceeding has appropriately dealt with the application.