

## **Housing and Human Rights in Canada Video Series Instructions and Supplementary Information**

This four part video series is designed as an introduction to housing and human rights law in Canada for a general audience including tenants, students, housing providers, community workers and advocates. It is not intended to replace review and study of specific provincial or territorial human rights legislation, but to complement it and highlight common elements found across the country.

These videos are designed to be used anywhere in Canada either as stand alone educational tools or as components of larger public education sessions or initiatives. The following guide will provide some suggestions on how to use the first video, An Overview of Human Rights Law, as part of a human rights in housing workshop. The suggestions are tailored to be useful in a wide variety of workshop settings for a wide variety of audiences.

These suggestions can be incorporated at the end of the video or during the course of the video.

### **An Overview of Human Rights Law**

#### **Prohibited Grounds of Discrimination**

This topic is dealt with quite briefly in the video and is worth further discussion in order to point out any unique prohibited grounds in your province or territory. Some more details are provided below:

- ❖ Linguistic origin or language protected in Quebec and the Yukon
- ❖ The Yukon protects religious belief, association or activity
- ❖ Ontario, Prince Edward Island, the Yukon and Saskatchewan permit sex-specific accommodation
- ❖ New Brunswick does not include family status, but ‘adult only’ rules would be considered age discrimination
- ❖ The Northwest Territories includes family affiliation
- ❖ Quebec includes civil status
- ❖ Age is not included as a prohibited ground in Alberta
- ❖ Ontario includes protections for 16/17 year olds living outside of parental control
- ❖ Seniors-only housing exempted in Ontario (65+), Saskatchewan (55+), British Columbia (55+), Newfoundland and Labrador (55+)
- ❖ Nova Scotia also prohibits discrimination based on “an irrational fear of contracting an illness or disease”
- ❖ Disfigurement is protected in Newfoundland and Labrador
- ❖ In Saskatchewan sexual orientation is not covered where the resident lives in an owner occupied dwellings with 2 or fewer units
- ❖ Newfoundland protects social origin

- ❖ New Brunswick, Quebec and the Northwest Territories include social condition as a prohibited ground
- ❖ Political belief
- ❖ Criminal record/charges/conviction are prohibited grounds in the Yukon, Nunavut and the Northwest Territories

### **Direct vs. Adverse Effect Discrimination**

The following is another example that may be useful in illustrating adverse effect discrimination:

*A landlord conducts credit checks on all applicants. Tammy, who has recently divorced and returned to the workforce after years as a stay-at-home mom, has no credit record. After finding she has no credit, the landlord says Tammy will have to provide a guarantor for her rent. Tammy does not have a guarantor, but has savings from the divorce settlement and has started a full-time job that will give her more than enough money to cover the rent. The landlord declines Tammy's application. He apologizes, but says he is just trying to make things fair for all applicants.*

The landlord's decision to treat Tammy like any other applicant and require a credit history actually has a discriminatory impact, or "adverse effect" on her because of her sex and marital status. Women leaving a relationship are much more likely than men to be entering the housing market with no credit history.

### **Reprisal**

The following is an example that illustrates reprisal:

*Aline is a senior with severe arthritis who lives in a condominium building. Because of her arthritis, she requested that the Board of Directors approve the replacement of the door knobs in common areas with lever-style handles. She provided medical documentation to back up her request. The Board of Directors voted not to approve the change because the cost would be passed on to all of the owners. Aline filed a complaint with the human rights commission and the Board of Directors, on behalf of the condominium corporation, eventually settled, agreeing to replace the doorknobs and paying Aline \$5,000 in compensation. After the complaint was resolved, whenever Aline saw one of the Directors he/she would either ignore Aline or make disparaging comments. When she tried to bring other issues to the Board, they would ignore them with some of the Directors commenting that Aline should not have brought a complaint against them.*

These are examples of retaliation or reprisal directed at Aline for enforcing her human rights. Aline could file another complaint against the condominium corporation.