

Human Rights in Canada

In 1948, with the horrors of WWII still fresh in memory, world leaders gathered at the United Nations to lay the foundations for a new world order. Unanimously, at an historic session of the General Assembly, they adopted the Universal Declaration of Human Rights.

Inspired by ideals of peace and social justice, the Declaration provided a set of principles that to this day guide human rights law around the world.

The Declaration inspired Canadian leaders to enshrine many of the fundamental human rights championed by the UN into Canadian law, and at all levels of government. In Canada, protecting human rights is a shared responsibility, in keeping with the sharing of powers of governments in Canada's federal system.

Canada's provinces were among the first to adopt human rights codes. These applied to areas of activity under provincial jurisdiction, things like restaurants, stores, schools, housing and most workplaces. Canada's territories have also enacted human rights legislation.

In 1960, **the federal government** introduced Canada's first Bill of Rights, a precursor to the **Canadian Charter of Rights and Freedoms (1982)**. The Charter was given significantly more legal force as it is part of the Constitution. The Charter protects fundamental rights and freedoms for all Canadians. Importantly, it protects civil and political rights of all individuals from policies and actions of government, including legislation.

The **Canadian Human Rights Act (1977)** is different. It resembles the provincial and territorial laws that in many cases preceded it. The *Canadian Human Rights Act* is legislation that protects people against discrimination based on race, age, sex, sexual orientation and seven other grounds. The Act protects individuals who are either employed by Canada's federal government or who receive services from it. It also governs organizations that are federally regulated such as inter-provincial transportation, banking, broadcasting and some First Nations organizations.

The Canadian Human Rights Tribunal may be called on to decide on complaints that are referred to it by the Canadian Human Rights Commission. Only the Tribunal has the authority to order a remedy or award damages.

How Canada Divides Responsibility for Human Rights

The *Canadian Charter of Rights and Freedoms*

The Charter protects the fundamental freedoms of all Canadians from policies and actions at all levels of government. For example, laws in Canada can be struck down by the courts if they are contrary to the rights and freedoms guaranteed by the Charter.

The *Canadian Human Rights Act*

Under the Act, the right to enjoy freedom from discrimination is protected for everyone in Canada who receives service from or is employed by the federal public service. It also applies to private sector companies that are federally regulated. For example, if you feel discriminated against while receiving a service at a bank, or while participating in a federal government job selection process, these are matters most likely involving the *Canadian Human Rights Act*.

Provincial/Territorial Laws

Canada's provincial and territorial governments help ensure that people's rights are upheld in all non-federal areas such as restaurants, schools, housing and most private sector workplaces. For example, if a landlord refuses to rent out an apartment based upon a person's race, religion, sexual orientation, or other grounds specified in law, this is likely a provincial or territorial matter.

Did you know?

The first draft of the Universal Declaration of Human Rights was written by a Canadian. John Humphrey was a Canadian lawyer and scholar who served as Director of Human Rights for the United Nations Secretariat from 1946 to 1966.

