

How are human rights protected in Canada?

Laws that protect human rights

In Canada, human rights are protected by federal, provincial and territorial laws.

The [*Canadian Charter of Rights and Freedoms*](#) of 1982 is part of Canada's Constitution. The Charter protects every Canadian's right to be treated equally under the law. The Charter guarantees broad equality rights and other fundamental rights such as the freedom of expression, freedom of assembly and freedom of religion. It applies to governments, but not to organizations, businesses or people. It also protects the rights of all Canadians from infringements by laws, policies or actions of governments, including authorities such as the police. For example if you are arrested without cause, this could be a violation of your rights under the Charter. Please note that the Canadian Human Rights Commission does not enforce the Charter or accept complaints under the Charter. Complaints under the Charter must be filed in a court.

The [*Canadian Human Rights Act*](#) of 1977 protects people in Canada from [discrimination](#) when they are employed by or receive services from the federal government, First Nations governments or private companies that are regulated by the federal government such as banks, trucking companies, broadcasters and telecommunications companies. People can turn to the *Canadian Human Rights Act* to protect themselves against [harassment](#) or discrimination when based on one or more of the 11 [grounds of discrimination](#) such as race, age and sexual orientation. For example, if a workplace policy offers benefits to some married couples but not others, this may be considered discrimination under the *Canadian Human Rights Act*.

Although Canada's human rights laws are not part of the Constitution, the Supreme Court has found that other laws must be interpreted in ways that are consistent with them. In other words, they are "quasi-constitutional."

Provincial and territorial human rights laws share many similarities with the *Canadian Human Rights Act* and apply many of the same principles. They protect people from discrimination in areas of provincial and territorial jurisdiction, such as restaurants, stores, schools, housing and most workplaces.

Canada's human rights laws stem from the [Universal Declaration of Human Rights](#). In 1948, the international community came together to make sure that human rights laws were written and understood so that the horrors of World War II never happened again. John Humphrey, a Canadian

lawyer and scholar, played a significant role in writing the Declaration. When it was complete, the Declaration provided a list of 30 articles outlining everyone's universal human rights. The first two articles are about equality and freedom from discrimination, the foundation of the *Canadian Human Rights Act*.

Federal organizations that protect human rights

The **Canadian Human Rights Commission** promotes the principle of equal opportunity and works to prevent discrimination in Canada by:

- promoting the development of human rights cultures;
- understanding human rights through research and policy development;
- protecting human rights through effective case and complaint management; and
- representing the public interest to advance human rights for all Canadians.

The **Canadian Human Rights Tribunal** is separate and independent from the Commission. In some cases, the Commission will refer discrimination complaints to the Tribunal. The Tribunal acts like a court and is responsible for holding hearings and deciding on cases that it receives from the Commission. Only the Tribunal has the authority to order a remedy or award damages.