

## 1) Canadian Charter of Rights and Freedoms

- Section 15(1) guarantees persons with disabilities the right to equal protection and equal benefit of the law and without discrimination by government, their agents and delegates;
- Section 15(1) of the *Charter* protects persons with mental disabilities, and that has been interpreted to include persons with learning disabilities; and
- Employers governed by the *Charter* must provide equal opportunity to qualified candidates regardless of their disability, subject only to limits justified by Section 1 of the *Charter*.

## 2) Canadian Human Rights Act and Provincial Human Rights Acts

The *Canadian Human Rights Act* and *Provincial Human Rights Codes* prohibit discrimination against persons with disabilities. A primary objective of human rights legislation is to provide every Canadian an equal opportunity to employment and services without discrimination. Provisions of goods, services, facilities, accommodations and employment cannot be denied to individuals because of their disability. Employers must provide reasonable accommodation in the workplace up to the point of undue hardship to employees with disabilities. Employers can assert that there is a *bona fide* occupational qualification that the person with a disability cannot fulfill, even with reasonable accommodation.

Provincial Human Rights Codes apply not only when discrimination occurs by governments but as well by individuals and corporations.

## 3) Employment Equity

The purpose of the *Employment Equity Act* is to achieve equity in the workplace so that no one is denied employment opportunities as long as they have the ability to perform the job. To achieve this goal, employers subject to employment equity are required to identify and eliminate employment barriers and to make reasonable accommodations to ensure the workplace reflects the greater population. This legislation applies to four designated groups. These include women, members of visible minorities, persons with disabilities and Aboriginal peoples. These employers must report annually to Human Resources Development Canada (HRDC) on their process in achieving a representative workforce.

HRDC is also responsible for administering the Federal Contractors Program for Employment Equity. Contractors, agencies and organizations covered under this program are those that conduct business with the Canadian government, employ 100 or more people, with contracts of goods or services valued at \$200,000 or more.

In addition, coverage under the Act applies to federally-regulated employers, to Crown corporations that employ 100 or more employees, and to federal public departments, agencies and commissions. These include post offices, banks, telephone and broadcasting companies, international and national transportation, military, RCMP, etc.

Approximately 10% of the workforce is covered under the Employment Equity Act.