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**Human Rights Code**

R.S.O. 1990, CHAPTER H.19

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**Preamble**

Whereas recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world and is in accord with the Universal Declaration of Human Rights as proclaimed by the United Nations;

And Whereas it is public policy in Ontario to recognize the dignity and worth of every person and to provide for equal rights and opportunities without discrimination that is contrary to law, and having as its aim the creation of a climate of understanding and mutual respect for the dignity and worth of each person so that each person feels a part of the community and able to contribute fully to the development and well-being of the community and the Province;

And Whereas these principles have been confirmed in Ontario by a number of enactments of the Legislature and it is desirable to revise and extend the protection of human rights in Ontario;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**PART I
FREEDOM FROM DISCRIMINATION**

**Services**

**[1.](http://www.e-laws.gov.on.ca/html/statutes/french/elaws_statutes_90h19_f.htm%22%20%5Cl%20%22s1)**  Every person has a right to equal treatment with respect to services, goods and facilities, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability. R.S.O. 1990, c. H.19, s. 1; 1999, c. 6, s. 28 (1); 2001, c. 32, s. 27 (1); 2005, c. 5, s. 32 (1); 2012, c. 7, s. 1.

**Accommodation**

**[2.](http://www.e-laws.gov.on.ca/html/statutes/french/elaws_statutes_90h19_f.htm%22%20%5Cl%20%22s2s1)**[(1)](http://www.e-laws.gov.on.ca/html/statutes/french/elaws_statutes_90h19_f.htm#s2s1)  Every person has a right to equal treatment with respect to the occupancy of accommodation, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, disability or the receipt of public assistance. R.S.O. 1990, c. H.19, s. 2 (1); 1999, c. 6, s. 28 (2); 2001, c. 32, s. 27 (1); 2005, c. 5, s. 32 (2); 2012, c. 7, s. 2 (1).

**Harassment in accommodation**

[(2)](http://www.e-laws.gov.on.ca/html/statutes/french/elaws_statutes_90h19_f.htm%22%20%5Cl%20%22s2s2)  Every person who occupies accommodation has a right to freedom from harassment by the landlord or agent of the landlord or by an occupant of the same building because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, gender identity, gender expression, age, marital status, family status, disability or the receipt of public assistance. R.S.O. 1990, c. H.19, s. 2 (2); 1999, c. 6, s. 28 (3); 2001, c. 32, s. 27 (1); 2005, c. 5, s. 32 (3); 2012, c. 7, s. 2 (2).

**Contracts**

**[3.](http://www.e-laws.gov.on.ca/html/statutes/french/elaws_statutes_90h19_f.htm%22%20%5Cl%20%22s3)**  Every person having legal capacity has a right to contract on equal terms without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability. R.S.O. 1990, c. H.19, s. 3; 1999, c. 6, s. 28 (4); 2001, c. 32, s. 27 (1); 2005, c. 5, s. 32 (4); 2012, c. 7, s. 3.

**Accommodation of person under eighteen**

**[4.](http://www.e-laws.gov.on.ca/html/statutes/french/elaws_statutes_90h19_f.htm%22%20%5Cl%20%22s4s1)**[(1)](http://www.e-laws.gov.on.ca/html/statutes/french/elaws_statutes_90h19_f.htm#s4s1)  Every sixteen or seventeen year old person who has withdrawn from parental control has a right to equal treatment with respect to occupancy of and contracting for accommodation without discrimination because the person is less than eighteen years old. R.S.O. 1990, c. H.19, s. 4 (1).

**Idem**

[(2)](http://www.e-laws.gov.on.ca/html/statutes/french/elaws_statutes_90h19_f.htm%22%20%5Cl%20%22s4s2)  A contract for accommodation entered into by a sixteen or seventeen year old person who has withdrawn from parental control is enforceable against that person as if the person were eighteen years old. R.S.O. 1990, c. H.19, s. 4 (2).

**Employment**

**[5.](http://www.e-laws.gov.on.ca/html/statutes/french/elaws_statutes_90h19_f.htm%22%20%5Cl%20%22s5s1)**[(1)](http://www.e-laws.gov.on.ca/html/statutes/french/elaws_statutes_90h19_f.htm#s5s1)  Every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability. R.S.O. 1990, c. H.19, s. 5 (1); 1999, c. 6, s. 28 (5); 2001, c. 32, s. 27 (1); 2005, c. 5, s. 32 (5); 2012, c. 7, s. 4 (1).

**Harassment in employment**

[(2)](http://www.e-laws.gov.on.ca/html/statutes/french/elaws_statutes_90h19_f.htm%22%20%5Cl%20%22s5s2)  Every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability. R.S.O. 1990, c. H.19, s. 5 (2); 1999, c. 6, s. 28 (6); 2001, c. 32, s. 27 (1); 2005, c. 5, s. 32 (6); 2012, c. 7, s. 4 (2).

**Vocational associations**

**[6.](http://www.e-laws.gov.on.ca/html/statutes/french/elaws_statutes_90h19_f.htm%22%20%5Cl%20%22s6)**  Every person has a right to equal treatment with respect to membership in any trade union, trade or occupational association or self-governing profession without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability. R.S.O. 1990, c. H.19, s. 6; 1999, c. 6, s. 28 (7); 2001, c. 32, s. 27 (1); 2005, c. 5, s. 32 (7); 2012, c. 7, s. 5.

**Sexual harassment**

**Harassment because of sex in accommodation**

**[7.](http://www.e-laws.gov.on.ca/html/statutes/french/elaws_statutes_90h19_f.htm%22%20%5Cl%20%22s7s1)**[(1)](http://www.e-laws.gov.on.ca/html/statutes/french/elaws_statutes_90h19_f.htm#s7s1)  Every person who occupies accommodation has a right to freedom from harassment because of sex, sexual orientation, gender identity or gender expression by the landlord or agent of the landlord or by an occupant of the same building. R.S.O. 1990, c. H.19, s. 7 (1); 2012, c. 7, s. 6 (1).

**Harassment because of sex in workplaces**

[(2)](http://www.e-laws.gov.on.ca/html/statutes/french/elaws_statutes_90h19_f.htm%22%20%5Cl%20%22s7s2)  Every person who is an employee has a right to freedom from harassment in the workplace because of sex, sexual orientation, gender identity or gender expression by his or her employer or agent of the employer or by another employee. R.S.O. 1990, c. H.19, s. 7 (2); 2012, c. 7, s. 6 (2).

**Sexual solicitation by a person in position to confer benefit, etc.**

[(3)](http://www.e-laws.gov.on.ca/html/statutes/french/elaws_statutes_90h19_f.htm%22%20%5Cl%20%22s7s3)  Every person has a right to be free from,

(a) a sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome; or

(b) a reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person. R.S.O. 1990, c. H.19, s. 7 (3).

**Reprisals**

**[8.](http://www.e-laws.gov.on.ca/html/statutes/french/elaws_statutes_90h19_f.htm%22%20%5Cl%20%22s8)**  Every person has a right to claim and enforce his or her rights under this Act, to institute and participate in proceedings under this Act and to refuse to infringe a right of another person under this Act, without reprisal or threat of reprisal for so doing. R.S.O. 1990, c. H.19, s. 8.

**Infringement prohibited**

**[9.](http://www.e-laws.gov.on.ca/html/statutes/french/elaws_statutes_90h19_f.htm%22%20%5Cl%20%22s9)**  No person shall infringe or do, directly or indirectly, anything that infringes a right under this Part. R.S.O. 1990, c. H.19, s. 9.

**PART II
INTERPRETATION AND APPLICATION**

**Definitions re: Parts I and II**

**[10.](http://www.e-laws.gov.on.ca/html/statutes/french/elaws_statutes_90h19_f.htm%22%20%5Cl%20%22s10s1)**[(1)](http://www.e-laws.gov.on.ca/html/statutes/french/elaws_statutes_90h19_f.htm#s10s1)  In Part I and in this Part,

“age” means an age that is 18 years or more; (“âge”)

“disability” means,

(a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,

(b) a condition of mental impairment or a developmental disability,

(c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,

(d) a mental disorder, or

(e) an injury or disability for which benefits were claimed or received under the insurance plan established under the*Workplace Safety and Insurance Act, 1997*; (“handicap”)

“equal” means subject to all requirements, qualifications and considerations that are not a prohibited ground of discrimination; (“égal”)

“family status” means the status of being in a parent and child relationship; (“état familial”)

“group insurance” means insurance whereby the lives or well-being or the lives and well-being of a number of persons are insured severally under a single contract between an insurer and an association or an employer or other person; (“assurance-groupe”)

“harassment” means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome; (“harcèlement”)

“marital status” means the status of being married, single, widowed, divorced or separated and includes the status of living with a person in a conjugal relationship outside marriage; (“état matrimonial”)

“record of offences” means a conviction for,

(a) an offence in respect of which a pardon has been granted under the *Criminal Records Act* (Canada) and has not been revoked, or

(b) an offence in respect of any provincial enactment; (“casier judiciaire”)

“services” does not include a levy, fee, tax or periodic payment imposed by law; (“services”)

“spouse” means the person to whom a person is married or with whom the person is living in a conjugal relationship outside marriage. (“conjoint”) R.S.O. 1990, c. H.19, s. 10 (1); 1993, c. 27, Sched.; 1997, c. 16, s. 8; 1999, c. 6, s. 28 (8); 2001, c. 13, s. 19; 2001, c. 32, s. 27 (2, 3); 2005, c. 5, s. 32 (8-10); 2005, c. 29, s. 1 (1).

**Pregnancy**

[(2)](http://www.e-laws.gov.on.ca/html/statutes/french/elaws_statutes_90h19_f.htm%22%20%5Cl%20%22s10s2)  The right to equal treatment without discrimination because of sex includes the right to equal treatment without discrimination because a woman is or may become pregnant. R.S.O. 1990, c. H.19, s. 10 (2).

**Past and presumed disabilities**

[(3)](http://www.e-laws.gov.on.ca/html/statutes/french/elaws_statutes_90h19_f.htm%22%20%5Cl%20%22s10s3)  The right to equal treatment without discrimination because of disability includes the right to equal treatment without discrimination because a person has or has had a disability or is believed to have or to have had a disability. 2001, c. 32, s. 27 (4).

**Constructive discrimination**

**[11.](http://www.e-laws.gov.on.ca/html/statutes/french/elaws_statutes_90h19_f.htm%22%20%5Cl%20%22s11s1)**[(1)](http://www.e-laws.gov.on.ca/html/statutes/french/elaws_statutes_90h19_f.htm#s11s1)  A right of a person under Part I is infringed where a requirement, qualification or factor exists that is not discrimination on a prohibited ground but that results in the exclusion, restriction or preference of a group of persons who are identified by a prohibited ground of discrimination and of whom the person is a member, except where,

(a) the requirement, qualification or factor is reasonable and *bona fide* in the circumstances; or

(b) it is declared in this Act, other than in section 17, that to discriminate because of such ground is not an infringement of a right. R.S.O. 1990, c. H.19, s. 11 (1).

**Idem**

[(2)](http://www.e-laws.gov.on.ca/html/statutes/french/elaws_statutes_90h19_f.htm%22%20%5Cl%20%22s11s2)  The Tribunal or a court shall not find that a requirement, qualification or factor is reasonable and *bona fide* in the circumstances unless it is satisfied that the needs of the group of which the person is a member cannot be accommodated without undue hardship on the person responsible for accommodating those needs, considering the cost, outside sources of funding, if any, and health and safety requirements, if any. R.S.O. 1990, c. H.19, s. 11 (2); 1994, c. 27, s. 65 (1); 2002, c. 18, Sched. C, s. 2 (1); 2009, c. 33, Sched. 2, s. 35 (1).

**Idem**

[(3)](http://www.e-laws.gov.on.ca/html/statutes/french/elaws_statutes_90h19_f.htm%22%20%5Cl%20%22s11s3)  The Tribunal or a court shall consider any standards prescribed by the regulations for assessing what is undue hardship. R.S.O. 1990, c. H.19, s. 11 (3); 1994, c. 27, s. 65 (2); 2002, c. 18, Sched. C, s. 2 (2); 2009, c. 33, Sched. 2, s. 35 (2).

**Discrimination because of association**

**[12.](http://www.e-laws.gov.on.ca/html/statutes/french/elaws_statutes_90h19_f.htm%22%20%5Cl%20%22s12)**  A right under Part I is infringed where the discrimination is because of relationship, association or dealings with a person or persons identified by a prohibited ground of discrimination. R.S.O. 1990, c. H.19, s. 12.

**Announced intention to discriminate**

**[13.](http://www.e-laws.gov.on.ca/html/statutes/french/elaws_statutes_90h19_f.htm%22%20%5Cl%20%22s13s1)**[(1)](http://www.e-laws.gov.on.ca/html/statutes/french/elaws_statutes_90h19_f.htm#s13s1)  A right under Part I is infringed by a person who publishes or displays before the public or causes the publication or display before the public of any notice, sign, symbol, emblem, or other similar representation that indicates the intention of the person to infringe a right under Part I or that is intended by the person to incite the infringement of a right under Part I. R.S.O. 1990, c. H.19, s. 13 (1).

**Opinion**

[(2)](http://www.e-laws.gov.on.ca/html/statutes/french/elaws_statutes_90h19_f.htm%22%20%5Cl%20%22s13s2)  Subsection (1) shall not interfere with freedom of expression of opinion. R.S.O. 1990, c. H.19, s. 13 (2).