
Human rights

Overview

Human rights are fundamental rights and freedoms that belong to all of us, and must be protected. They affirm the principle that every person is free and equal in dignity and rights. Here, we will touch on the legal framework of human rights law in Canada:

- Canadian Charter of Rights and Freedoms
- Nova Scotia and federal human rights legislation
- International human rights context.

Objectives

To understand the basics of human rights, legal terminology and concepts, and to look at the complexity of questions, practical and legal, that arise when thinking about issues that are vital to human dignity.

Agenda

Welcome and group discussion, questions on previous topics.

Presentation on: Human Rights

- International human rights law basics
- Domestic human rights law: Charter, NS Human Rights Act in particular. Basic process and remedies.

Activities: How would you answer

Together or individually, research the questions below and explain your answer.

1. Nova Scotia's *Human Rights Act* prohibits discrimination based on what protected characteristics? In what areas?
2. What is the process for filing a complaint with the NS Human Rights Commission?
3. I have a trial scheduled in Provincial Court and the Crown just postponed it again. It's been almost 2 years since the charges were laid and this is stressing me out. Don't I have a right to a quick trial?
4. What are my options if I was street checked by the police because of racial profiling?

Work

Government, Services, Facilities

Housing

Materials

Key Resources

- Powerpoint presentation on Human Rights
- [Nova Scotia Human Rights Commission](#)
- [Canadian Human Rights Commission](#)
- [Charterpedia \(CAN DOJ\)](#)
- [Charter of Rights and Freedoms \(CAN DOJ\)](#)
- NS Safe Spaces - [Online Training on Sexual Harassment in the Workplace](#)
- [Serving All Customers Better - NS Online Training to prevent consumer racial profiling](#)
- [Working with Abilities - NS Online Training about employers' accommodations of persons with disabilities](#)

Activities: How would you answer?

5. My employer is harassing me. She is always yelling at me and correcting my work, making me feel stupid. What can I do?
6. I applied to get an apartment and the landlord asked me if I have a criminal record. Can they do that?
7. What obligations does an employer have to accommodate an employee who has a disability?
8. Is there a time limit to file a human rights complaint?
9. My neighbour is always making sexist comments about me. Isn't that a breach of my human rights?
10. I got a Protection of Property Act notice from the drug store and I can't go there for a year. They said I threatened one of their employees. Can they do that? It's my right to go there.

Case example:

I went to my regular local grocery store the other day to make a purchase. I felt like I was being watched by the security guard. As a black woman I took note of it but I did not think much of it as I am used to being followed in retail stores as all African Nova Scotians likely are, and I have a pretty thick skin because of it. While waiting in line to pay for my purchase the security guard came up to me in front of everyone and accused me of past thefts in the store. She said I was a known shoplifter and that they had video surveillance of past incidents.

The security guard said that if this happened again they would be pressing charges and they would give me a Protection of Property Notice. I demanded to see the videos to support these supposed thefts. I was humiliated and embarrassed and shamed in public. I believe this whole thing was just because of my race and because the security guard thinks all black people look alike. I won't go back to that store now. Since this incident occurred I have drive further distances and go out of my way to get grocery shopping.

Key Laws

- NS Human Rights Act
- Canadian Charter of Rights and Freedoms
- Canadian Human Rights Act

Human Rights Law Answer Key:

Legal Question	Where would you start? Answer key
Nova Scotia's <i>Human Rights Act</i> prohibits discrimination based on what protected characteristics? In what areas?	Nova Scotia Human Rights Act - section 5, and exceptions (s. 6) - protected characteristics and prohibited areas: humanrights.novascotia.ca/know-your-rights/individuals
What is the process for filing a complaint with the NS Human Rights Commission?	NS Human Rights Commission - Complaint self-assessment humanrights.novascotia.ca/resolving-disputes/complaint-self-assessment - Resolving disputes humanrights.novascotia.ca/resolving-disputes
I have a trial scheduled in Provincial Court and the Crown just postponed it again. It's been almost 2 years since the charges were laid and this is stressing me out. Don't I have a right to a quick trial?	If no lawyer - Legal Advice - Lawyer Referral or Legal Aid Charter of Rights, s 11(b) Trial within a reasonable time <i>R. v. Jordan</i> , <u>2016 SCC 27</u>
What are my options if I was street checked by the police because of racial profiling?	Racial profiling article - legalinfo.org legalinfo.org/legal-information-topics/racial-profiling NS Human Rights Commission, street checks report humanrights.novascotia.ca/news-events/events/street-checks-report-public-release
My employer is harassing me. She is always yelling at me and correcting my work, making me feel stupid. What can I do?	Information about: practical options for dealing with harassment in workplace protected characteristics under Human Rights Act workplace anti-harassment policy employment lawyer
I applied for a job and they asked me if I have a criminal record. Can they do that?	Difference in protected characteristics amongst jurisdictions: Canadian Human Rights Act (protection on basis of criminal record) NS Human Rights Act (no protection on basis of criminal record) - some other provinces have protection
What obligations does an employer have to accommodate an employee who has a disability?	Duty to accommodate physical and mental disability guidelines (NS) Accommodate to the point of undue hardship (NS HRC info for Employers)
Is there a time limit to file a human rights complaint?	12 months (section 29(2) Human Rights Act)
My neighbour is always making sexist comments about me. Isn't that a breach of my Charter rights?	Explain: - application of Charter (government, not private disputes) - prohibited areas under Human Rights Act (not applicable) - other possible options for dealing with neighbour disputes
I got a Protection of Property Act notice from the drug store. They said I threatened one of their employees. They can't do that, can they? It's my right to go there.	Information: - prohibited characteristics under Human Rights Act - occupier/owner - Legal Advice (generally to help negotiate if appropriate) - practical alternatives such as going to a different drug store if possible - risk of uttering threats criminal charge? (fact specific)

For Discussion:

This is a real Nova Scotia Human Rights Commission Board of Inquiry decision from 2015, which found that the complainant was discriminated against in the provision of services, due to race and/or colour and/or source of income, contrary to sections 5(1)(a), (i), (j) and (t) of the Act. Found at: [https://humanrights.novascotia.ca/sites/default/files/David v. Sobeys DECISION - FINAL.PDF](https://humanrights.novascotia.ca/sites/default/files/David%20v.%20Sobeys%20Remedy%20FINAL.pdf)

Discussion of remedies available under the Human Rights Act -

<https://humanrights.novascotia.ca/sites/default/files/boi-decisions/David%20v.%20Sobeys%20Remedy%20FINAL.pdf>