



# What's New in HR Law

## Ontario Legislature Tables Two New Human Rights Bills

October 31, 2018

### **BOTTOM LINE**

The Ontario Legislature recently tabled two bills proposing significant amendments to the Ontario *Human Rights Code*. If enacted, Bill 35 and Bill 40 would introduce new non-discrimination obligations for provincially regulated employers.

### ***Bill 40, Human Rights Code Amendment Act (Genetic Characteristics), 2018***

Progressive Conservative MPP Christina Mitras has recently introduced [Bill 40](#), the *Human Rights Code Amendment Act (Genetic Characteristics), 2018*. Bill 40, a private member's bill, has already passed second reading and has been referred to the Standing Committee on the Legislative Assembly.

If enacted, Bill 40's amendments to the *Human Rights Code* would prevent discrimination based on genetic characteristics. It would also introduce human rights exemptions for insurance contracts, which would be permitted to make distinctions, exclusions or preferences on reasonable and *bona fide* grounds because of genetic characteristics.

Under Bill 40, employers would be prohibited from discriminating against employees on the basis of their genetic characteristics. "Genetic characteristics" would be defined as the genetic traits of an individual, including traits that may cause or increase the risk to develop a disorder or disease.

## **Bill 35, Human Rights Code Amendment Act, 2018**

During the last Parliament, Liberal MPP Nathalie Des Rosiers introduced Bill 164. This bill would amend the *Human Rights Code* to include a number of new grounds of discrimination, discussed in [one of our earlier posts](#). Bill 164 was reintroduced on September 26, 2018 as *Bill 35, the Human Rights Code Amendment Act, 2018*.

Like its predecessor, [Bill 35](#) proposes amending the *Human Rights Code* to introduce four new grounds of discrimination: immigration status, genetic characteristics, police records, and social condition. Unlike Bill 40, Bill 35 does not include a proposed definition of “genetic characteristics”, nor does it contain any exceptions or exemptions for insurance contracts.

Bill 35 is a private member’s bill not introduced by a member of the majority government; as a result, Bill 35 is unlikely to be passed into law.

### **Check the Box**

Provincially regulated employers required to comply with Ontario human rights law should follow the progress of these two bills in the Ontario legislature. If you are a provincially regulated employer and require more information about the status of either bill, please seek advice from a labour and employment lawyer.

### **Need more information?**

If you need more information regarding either bill, or require human rights advice, please feel free to contact [Giovanna Di Sauro](#) at 416-408-5513, or your regular lawyer at the firm.



**Toronto**  
Bay Adelaide Centre  
333 Bay Street, Suite 2500,  
PO Box 44  
Toronto, Ontario M5H 2R2  
tel: 416.408.3221  
fax: 416.408.4814  
toronto@filion.on.ca

**London**  
620A Richmond Street, 2<sup>nd</sup> Floor  
London, Ontario N6A 5J9  
tel: 519.433.7270  
fax: 519.433.4453  
london@filion.on.ca

**Hamilton**  
1 King Street West, Suite 1201  
Box 57030  
Hamilton, Ontario L8P 4W9  
tel: 905.526.8904  
fax: 905.577.0805  
hamilton@filion.on.ca