



CANADIAN
HUMAN RIGHTS
COMMISSION

COMMISSION
CANADIENNE DES
DROITS DE LA PERSONNE

NATIONAL ABORIGINAL
INITIATIVE



Your Guide to Understanding the *Canadian Human Rights Act*

Ji-gikendaman iwe Canadian Human Rights Act

Rights - Responsibility - Respect

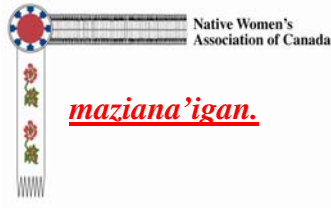
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Baakwaayishimong gaye izhibii'igaade owe mazina'igan

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Owe wenabiwaad onanaakomaawaa' ini Native Women's Association of Canada gii-wiiji'iwewaad ozhichigaadenig owe

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Note: All complaint-related inquiries will be transferred to the Commission's national office

Nashke: Gakina gegoon noonde-gagwedweng, imaa enokaadamowaad da-izhi-giigidom.

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DISCLAIMER: This is an informational document and should not be considered as legal advice. This is not an official version of the *Canadian Human Rights Act*. The law is described here in clear language to make it more accessible to the general public.

Wiindamaagewin: Owe mazina'igan gimichi-wiindamaagon gegoo, gaawiin onashowewinzinoon ji-wiiji'igoyan.

Gaawiin gagetin onashowe mazina'igan daabishkoo Canadian Human Rights Act. Gimichi-wiindamaagon aaniin ji-izhi-nisidotamaban.

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Discrimination: what can you do about it?

[Aananimigoowin: Aaniin ji-izhichigeyamban?](#)

Has discrimination affected you? What can you do about it? This guide explains what discrimination is, how the law prohibits it, and what to do if someone discriminates against you. The guide deals with the federal *Canadian Human Rights Act* (the **Act**)—not with provincial or territorial laws.

[Ningoji na gidaanawenimigoo? Aaniin ge-izhichigeyamban? Owe mazina'igan giga-wiindamaagon wegonen iwe aanawenimigoowin, aaniin ezhi-bookonigaadeg onaakonigewin, aaniin igaye ge-izhichigeyamban owe doodaagooyan. Owe mazina'igan wiindamaagemagad iwe Canadian Human Rights \(onaakonigewin\) – gaawiin wiin akiikaanan omaa Kaanada akiing bebikish odoonaakonigewiniwaan.](#)

At the end of this guide is a glossary that explains certain words. Those words are in **bold** in the guide.

[Gizhibaya'ii omaa mazina'iganing ikidowinan niibidebii'igaadewan. Da-aako-makadebii'igaadewin.](#)

What is discrimination?

[Wegonen iwe aanawenimigoowin?](#)

Discrimination is an action or a decision that results in unfair or negative treatment of a person or group because of their race, age, religion, sex, etc. Some types of discrimination are illegal under federal and provincial human rights laws. If you are the victim of discrimination under the **Act**, you can file a **complaint** with the Canadian Human Rights Commission (the **Commission**).

[Aanawenimigoowin izhise giishin mino-doodaagoosiwind awiya gemaa awiyag bakaan aaniish ondakii, epiitaadizid, odanami'aawin, aweneniwid, mii iwe izhi. Aanind aanawenimigoowinan giizhaakonigaadewan omaa endaso-akiikaaniwangin kaanada akiing. Giishpin owe izhiseyan imaa onaakonigewining, gidaa-mooshkinebii'ige imaa Canadian Human Rights Commission \(endananokaadeg\) owe onji.](#)

Is your case federal or provincial?

[Aandi imaa onaakonigewining ezhi-bagosendaman?](#)

Canada's Constitution splits legal responsibility, or jurisdiction, between the federal and the provincial or territorial governments. The federal government regulates some employers and service providers, such as banks and airlines. They are described in the glossary under the entry for "**federally regulated.**"

Kaanada Akiing ogichi-onaakonigewin bebakaan izhi ayanokiimagad gemaa izhi-dibendaagwad, daabishkoo bebakaan akiikaanan odoonaakonigewiniwaan gichi-ogimaawining. Gichi-ogimaawin aanind obimendaanaawaan anokiiwinan zhiigwa anokii'aaganag daabishkoo zhooniyaawigamigoon dago bemaashi'iwewaad ishpaasojiganing. Gidaa-mikaanan gizhibaya'ii ikidowining imaa "federally regulated."

Provinces and territories regulate other businesses and service providers and have their own human rights laws. If your case involves provincial or territorial law, the guide lists the provincial and territorial agencies to contact—see page 16.

Aanind onaakonigewinan omaa akiing obimendaanaawaan endananokiing, wiinawaa wiin odayaanaawaan odinaakonigewiniwaan. Giishpin idash gechiwaag onaakonigewin giin endooshkamang, omaa mazina'iganing ozhibii'igaadewan awenen ji-ganoonadiban – inaabin baakiiginigan 16.

Indians and lands reserved for Indians are **federally regulated**. But not every organization run by First Nations people or located on a reserve is **federally regulated**. For example, a band office is **federally regulated**, but a gas station or a corner store on a reserve is regulated by the provincial or territorial government. A **complaint** against the gas station or corner store would be handled by the provincial or territorial human rights commission under its own human rights laws.

Anishinaabeg zhiigwa anishinaabewakiin gichi-ogimaawin obimendaanan. Gaawiin dash wiin gakina gegoon debendamowaad Anishinaabeg naagajichigaadesiwan imaa onaakonigewining. Daabishkoo, ogimaakaan gaa-dananokiid gichi-ogimaawin obimendaan, waasigani-bimide dash edaawaageng gemaa adaawewigamigoons ishkoniganing gechiwaag ogimaawin obimendaanaawaan. Giishin awiya noonde-onashowaadang waasigani-bimide edaawaaged gemaa adaawewigamigoons, gechiwaag gichi-ogimaawin oada-dazhiikaan wiinawaa igo odinaakonigewiniwaang.

To find out if your case is federal or provincial, talk to a **human rights officer** at the **Commission**. They will direct you to the right place.

Ji-gikendaman awegwen ge-bimendangiban gidoonashowewin, ganoozh anokii'aagan imaa endananokiing. Giga-wiindamaagoog aaniin ji-izhichigeyan.

What does the Act say about discrimination?

Aaniin onaakonigewin ezhising awiya aanaweniminid?

Grounds of discrimination

Ge-onji-onashowaanadiban awiya

Section 3 of the **Act** makes it illegal for **federally regulated** employers and service providers to discriminate against people, or treat them unfairly, based on the following **grounds**:

Section 3 imaa onaakonigewining gaawiin gidaa-aanawenimaasii awiya gemaa gidaa-mino-doodawaasii gidaa-bookonaan onaakonigewin daabishkoo ono:

- Race
- endanookaaniwiwin
- national or ethnic origin
- Bakaan ondakiiwin
- Colour
- enazhagewin
- religion ‘
- gidanami’aawin
- age
- endasobiboonewin
- sex
- aweneniwing
- sexual orientation
- wijjikaaniwiwin
- marital status
- wiiji-ayaangeg
- family status
- Enawengeng

- Disability
- [Maakiziwin](#)
- a conviction for which you have been granted a pardon.
- [Gii-gaasiibii'igaadeg gii-bookonaman onaakonigewin.](#)

To see the **Act**, go to <http://laws.justice.gc.ca/eng/H-6/index.html>.

[Ji-waabandaman Onaakonigewin, izhaan http://laws.justice.gc.ca/eng/H-6/index.html.](http://laws.justice.gc.ca/eng/H-6/index.html)

Examples of discrimination under the Act

[Aaniin dinookaan wenashowaaniding aanawenimigoowin onji](#)

- You apply for Band membership, but the band refuses because you are a woman (sex).
- [Ginoonde-agwi'igoo, gaawiin dash ishkoniganing ginoonde-biindigebii'igoosii gidikwew aaniish \(aweneniwiwing\)](#)
- You apply for a loan, but the bank refuses because you are Aboriginal (race, national or ethnic origin, colour).
- [Gidawi'aaz zhooniyaa, gaawiin idash ginoonde-awi'igoosii anishinaabewiyan onji \(endanookaaniwiwin, wendakiiwin, enazhagewin\)](#)
- A Band Council refuses to hire you because you are from another First Nation (national or ethnic origin).
- [Gaawiin ishkonigan ginoonde-mazina'ige'igosii bakaan aaniish gidoonji \(Bakaan ondakiiwin\)](#)
- You are fired from your job because you become pregnant (sex).
- [Gibagidinigoo gidanokiiwining gigishkaawas aaniish \(aweneniwing\)](#)
- You are fired because your boss doesn't like someone in your family (family status).
- [Gibagidinigoo gaawiin aaniish gidoogimaa ojiikenimaasiin gidinawemaaganan \(enawegeng\)](#)
- You are fired because you failed a random drug test at work (disability).
- [Gibagidinigoo gii-mikigaade aaniish gegoo gimiskwiiming \(maakiziwin\).](#)

But if you just don't get along with your boss, that does not mean there is discrimination. If you think there may be discrimination, talk to a **human rights officer** from the **Commission** to learn more.

[Giishin eta mino-wiijiwaasiwad gidoogimaam, gaawiin gidaa-onashowaanaasii. Giishpin idash wiin aanawenimig, gidaa-gaganoonaa anokii'aagan imaa gaa-naadamaageng, giga-wiindamaag.](#)

Discriminatory practices

[Aaniin ezhichigeng aanawenigeng](#)

The **Act** forbids the following **discriminatory practices** —if they are based on one of the **grounds of discrimination**:

Onaakonigewining izhisin, gaawiin owe ji-izhichigeng – gidaa-onashowaange giishpin owe izhichigeng:

- Denying someone goods, services, facilities, or accommodation (Section 5).
- Awiya adaawaagetamoosinog gegoo, wiiji'isinog gegoo inanokiid, gegoo aabajitamoosinog gemaa ningoji ji-gibichiiyan (Section 5)
- Refusing to employ or continue to employ someone or treating them unfairly in the workplace (Section 7).
- Awiya mazina'ige'isinog gemaa bagidinig gemaa gaye maanidoodaag gidanokiiwining (Section 7)
- Following policies or practices that deprive people of employment opportunities (Section 10).

Harassment: a common discriminatory practice

Nibaaji'ikaagewin: Netaa-ayizhichigeng aanawenimigoowining

Harassment occurs when someone:

Nibaaji'ikaagewin izhise giishpin awiya:

- offends or humiliates you physically or verbally.
- Maanidoodaag gemaa nishibaapinodaag awiya
- threatens or intimidates you.
- Mawina'og gemaa gagwe-zegi'ig awiya.
- makes unwelcome remarks or jokes about your race, religion, sex, age, disability, etc.
- Anoojigo odidaan gemaa obaapitoon aweneniwiyan, enanami'aayan, aweneniwing, maakiziwin, ini dino).
- makes unnecessary physical contact with you, such as touching, patting, pinching or punching—this can also be assault.
- Anishaa ginitaa-zaaamishkaag, daabishkoo ginitaa-zaaaminig, daanginig, gijiisibinig gemaa bapakite'og – miigaazhiwewin iwe.

Employers are responsible for any harassment in the workplace and they must take appropriate action against any employee who harasses someone else. Workplaces should have an anti-harassment policy, which employees can ask to see.

Enokii'iwewaad ji-bimendamowaad awiyag ji-nibaaji'ikawaasiwindwaa endananokiing onjida ji-naagajitoowaad awiyan ji-aanawenimaasiwind. Ji-ozhibii'igaadegiban onashowewin endananokiing ji-nibaaji'ikawaasiwind awiya, anokii'aaganag daa-gagwedwewag ji-waabandamowaad.

What can you do if you are harassed?

Aaniin ii-izhichigevambang nibaaji'ikaagoovan?

Duty to accommodate in employment and service delivery

[Onjida ji-naadamaading endananokiing zhigwa ningoji ji-waawii'iweng](#)

Sometimes, employers must take necessary steps to make it possible for people to work. This is called the **duty to accommodate**. For example, employers have to give pregnant women maternity leave. They also have to let people observe their religious holidays. Employers have a **duty to accommodate** only when an employee needs a change or modification, based on one of the **grounds of discrimination**.

[Naanigoding odoogimaamag ji-izhichigewaad ji-anokiinid awiya' endananokiing. Mii owe onjida ji-gwaawaanjichigeng. Daabishkoo odoogimaamag onjida ji-bagidinaawaad ikwewa' ji-dakobinaawasonid neyaab idash ji-bi-anokiinid. Onjida gaye ji-bagidinaawaad anokii'aagana' ji-nagadaminid enokiinid odanami'aawiniwaan onji. Onjida aaniish odoogimaayimaa ji-izhichiged apii eta anokii'aagan andawendang ji-meshkwajichigeng gemaa ji-aanjichigeng, apii aanawenimind awiya.](#)

Businesses or organizations that are **federally regulated** are required by law to accommodate when they provide services to the public, for example, by making wheelchair access available to people with disabilities.

[Endananokiing gichi-ogimaawin bemendang onjida ji-wiiji'iwewaad awiyan gagwejimigoowaad daabishkoo ji-akwaandawe'itoowaad endananokiing gaa-maakiziwaad ji-biindigebizowaapan.](#)

If you have special circumstances that may require your employer to accommodate your needs under Subsection 15(2) of the Act, you should:

[Giishpin inendaman gidoogimaam gegoo ji-izhichigetamaag gegoo andawendaman imaa onaakonigewining Section 15\(2\), gidaa:](#)

- Tell your employer how your special circumstances may affect your work.
- [Wiindamaw gidoogimaam wegonen bakaan gegoo ji-izhichigetamaag gidanokiiwining.](#)
- Give enough information about your special circumstances to your employer to justify the change.
- [Weweni wiindamaw wegonen memindage ji-izhichigetamaag gidoogimaam gidanokiiwining.](#)
- Discuss with your employer ways to make it easier for you to do your job.

Andrea's story

Andrea odibajimowin

Andrea is a member of the Spruce Tree First Nation and has worked for the Band council as a bookkeeper and administrator for seven years. The Band council told Andrea that they would fire her because of her poor attendance, moodiness, and angry behaviour when she drinks. Andrea believed the Band council was discriminating against her on the ground of disability. She suffers from depression every September, which is the anniversary month of her daughter's death five years ago, and she drinks when she gets depressed.

Andrea Spruce Tree ishkoniġaning izhi-dibendaagozi. Niizhwaaswaaki ogii-zagakibii'igetamawaa' oniigaanii'. Ogii-wiindamaagoo' ogimaakaana' wii-bagidinind onzaam aaniish nitaa-metasishin, wakewigidaazo zhiġwa nishkibiishki. Andrea gii-inendaman wii-bagidinind odanokiiwining onji onzaam maaki-izhi-ayaad. Endaso-september aginzonid gashkendam apane odaanisensan gaa-wanii'aad naanwaaki apan. Mii-sa minikwe apii gashkendang.

Andrea's doctor agreed that the depression and drinking were disabling conditions. He referred Andrea to a therapist for ongoing counselling and help in finding an alcohol treatment program. The doctor also prescribed anti-depressants.

Mii dash Andrea omashkikiwininiiman gii-ikidowan geget maaki-izhi-ayaad. Andrea-wan ogii-izhinizhawaan gaa-izhi-wiiji' iwenid ji-wiiji' igod ji-mikang ge-wiijiwind ji-booni-minikwed. Zhiġwa gaye mashkiki gii-miinaa' ogashkendamowin onji.

The counsellor told Andrea that her only option was a 28-day treatment program away from the reserve. Andrea worried that the Band council would not agree to her missing work for such a long time, so she made a plan with the following:

Gaa-wiiji' igod Andrea ogii-igoon ji-izhaad niishtana ashi nishwaasogon ningoji agwajaya'ii ishkoniġaning. Andrea dash gii-inendam maagizhaa gaawiin daa-inendanziiwa' odoogimaakaana' iwe minik ji-nagadang odanokiiwin, mii-sa owe gaa-izhi-izhichiged:

- a request for a leave of absence due to medical disability.
- Ji-nagadang odanokiiwin gaa-maaki' igod ominikwewin.
- a letter from the doctor explaining that Andrea suffers from a medical condition that leaves her temporarily unable to work but that medication and the treatment plan should improve her condition dramatically.
- Mazina'igan ogii-ondinaan omashkikiwininiiman wiindamaagemagadinig onjida ji-nagadang odanokiiwin omashkikiim idash wiin oga-gichi-wiiji' igon zhiġwa imaa ge-izhaad.
- a note from the therapist confirming that Andrea is undergoing ongoing counselling to deal with her workplace problems and angry behaviour.
- Zhiġwa miinawaa bezhiġ mazina'igan wiiji' igod awiyan gaganoonigod iwe gaa-wakewigidaazod odanokiiwining dago bakaan ningoji.

- a work plan from Andrea showing how she could draw together the periodic financial reports when she returns, as long as another employee tracks the invoices, expenses and other relevant information.

[E](#)

- [Ogii-ozhibii'aan waa-izhichigaadang zagakibii'ang omazina'iganan bi-azhegiwed debinaag awiya zagakitood dago zagakibii'ang zhooniya mazina'iganan zhigwa bakaan gegoon gaa-naagajitood.](#)

The Band council accepted Andrea's plan and are looking forward to her return to the job, back to her normal self.

[Odoogimaakaan' gii-inendamoo' ji-izhichiged, ogii-nandawenimaawaan neyaab ji-bi-anokiinid zhigwa ji-mino-ayaanid.](#)

Your employer does not have to accommodate your special circumstances if it would create **undue hardship** for the employer. For example, a person who cannot get a driver's license because their vision is impaired cannot be a bus driver.

[Gaawiin dash wiin gidoogimaam gegoo memwech ji-meshkwajichiged giin onji giishpin gichi-migoshkaaji'ad. Daabishkoo giishin awiya zaabaabisig wenji-bimibizonike-mazina'iganisig ji-bimiwinaasig gikinoo'amawaagana'.](#)

What is undue hardship?

[Wegonen-sh iwe gichi-migoshkaaji'iwewin?](#)

Under Subsection 15(2) of the **Act**, an employer or service provider can claim **undue hardship** when the duty to accommodate would cost too much or create risks to health or safety. For example, if you have a drug addiction and work in a dangerous job, your employer may be able to show that accommodating your disability or keeping you in the job would put you, your co-workers, or the public at risk.

[Imaa Subsection 15\(2\) inakonigewining, awiya enokii'iwed gemaa anokii'aagan ji-wiiji'iwed daa-ikido onzaam gichi-migoshkaajiwind bekaan ji-meshkwajitood anokiinid memindage gegoo onzaam aakogindenig gemaa naniizaani'aad bakaan awiya'. Daabishkoo mashkikiin bani-aabajitood ambe naniizaananokiid mii dash gegoo meshkwajitamawaad ini gidaa-naniizaani'ig gemaa wiidanokiimaagana' gemaa awiya bakaan.](#)

Mike's story

Mike Odibaajimowin

The Smith family belongs to the Pine Tree First Nation. Mike, the 14-year-old son, has a progressively disabling condition that affects his mobility. He can move around only on crutches, and his condition is expected to get worse as he gets older. Getting around school is becoming increasingly hard as his condition worsens. Mike's father carries him into and out of school every day. As there is no washroom on the main floor, Mike must drag himself up a flight of stairs and then down again when he needs the washroom. When he gets there, he must yell for the janitor to help him open the door. The doorknob is the grip-and-turn type, which Mike cannot operate.

Smith enawendiwaad Pine Tree ishkoniḡaning izhi-dibendaagoziwag. Ogozisimaa' Mike, ashi niiwin dasobiboone. Aayaakozi, awashime ani-mamaanjigozi. Zaka'onan odaabajitoonan, nawach gaye awashime da-ani-izhi-ayaa eni-gitaadizid. Mike obaabaayin odatakonigoon ayizhaad gikinoo'amaadiiwigamigong endasogiizhig. Gaawiin aaniish miiziiwigamig ayaamagasinoon nitam michisag gaa-ayaa. Ji-akwaandawe'ooded wii-anda-zaaga'ang dago neyaab niisaandawe'ooded ishkwaa-izhaad. Apii bagamooded imaa, anokii'aaganan ji-biibaagimaad ji-baakinaminid ishkwaaandem. Gaawiin gaye ogashkitoosin ji-biiminang zaginigan ji-baakinang ishkwaaandem.

Mike must also visit the Pine Tree First Nation's health unit and its recreation centre. The health unit is all on one level but has steps at the entrance. The recreation centre, where Mike goes for important exercise and physiotherapy, has three steps at its entrance and the same doorknob problems in the gym, change rooms, and washroom.

Onjda gaye Mike ji-izhaad aakoziwigamigoons Pine Tree ishkoniḡanig ji-zhezhaawiid. Miziwechigaade iwe waakaa'igan nitamisag eta ayaamagad zhiḡwa akwaandawaagan niigaan ishkwaaandem. Imaa Mike gaa-izhaad ji-zhezhaawiid, niswewig akwaandawichigaade mii-go gaye dino zaaginigan ishkwaaandeming eyaamagak, gaa-meshkwajikonayeyan zhiḡwa miiziiwigamig.

Mike's parents, Gerry and Marian, worry about what would happen if they were no longer around to care for him and his condition worsens, especially while he's at school. The specialists say that Mike will soon need a wheelchair, but the school isn't accessible even for a small wheelchair. Mike's only option may be to move to supportive housing in the city, but that would mean losing contact with his family, language and community. Mike's family doesn't want to consider this option.

Mike oniigi'igoo' Gerry dago Marian, gaawiin minwendanziiwag giishpin gegoo izhisewaad awenen genaagaji'aapan Mike-an awashime gaye ani-izhi-ayaanid memindage megwaa gikinoo'amawind. Gaa-dazhiikaagod Mike ogii-igowaan wiiba da-michi-namadabi babaamiwinidizod, gaawiin dash gikinoo'amaadiiwigamigong ayaasinoon ji-akwaandawebizopan. Mike eta bakaan ningoji ji-izhigozipan, gaawiin dash oada-waabamaasii odinawemaagana', wiijanishinaabema' zhiḡwa ji-ayanishinaabemopan. Gaawiin idash owe noonde-izhichigesii Mike.

Gerry and Marian have spoken to the Chief and the Band Council about the need to make the school and the other reserve facilities wheelchair-accessible, but money is a problem. The family is well known and everyone wants to help Mike because he is very good-natured, but there's not enough money to pay for

the ramps, elevators, washroom renovations, and other costs to make reserve facilities accessible.

[Gerry dago Marian ogii-gaganoonaawaan ogimaakaan zhidwa odaginzo' ji-ozhichigaadeg akwaandawebizon gikino' amaadiiwigamigong dago bebakaan ezhaang ishkonganing. Gaan awiya dash zhooniya. Gakina awiya ogikenimaawa' Mike odinawemaagana', ononde-wiji'aawaan minwaadizi aaniish gaawin dash zhooniya abisii ji-diba'igaadegin ishpaandawebizonan, ji-aanjichigaadeg miiziiwigamig zhidwa bebakaan ningoji ishkonganing ji-gashkitood ji-ayizhaapan.](#)

Finally, the family decides to file a **complaint** with the **Commission** against the federal government and the Band. The Band says that they would go bankrupt if they had to do everything in the current budget, as there is not even enough money for essential housing, let alone new projects. They feel mediation would not help because the money simply isn't there. The Smiths are very upset and feel betrayed, so they go ahead with the complaint.

[Gwiinawi-izhichigewaad, oniigi'igomaag gii-mooshkinebii'igewag wii-onashowaadamowaad bwaanawitoid majaanjigozinid awiyan ji-babaami-ayaanid. Ogimaakaanag ikidowag daa-jaaginigewag giishpin gakina gegoo diba'amowaad ozagakibii'igewiniwaang. Ononde-diba'anaawaa' abooshke ji-waakaa'igewaad. Gaawin gaye daa-minosesinoon ji-onabing, gaawin aaniish zhooniya ayaasii. Nishkaadiziwaag oniigi'igomaag wiji'aasiwindwaa, mii-go ezhi-onashowaanaawaad.](#)

This story continues in a later section.

[Da-aanikeyaajimom naagach.](#)

When does the Act allow special treatment?

[Aanapii Onakonigewin Ji-biminizha'igaadeg?](#)

Sometimes, the **Act** allows special treatment as a way to produce a fair result. Treating everyone the same does not necessarily mean treating everyone equally. This can apply to people who have different religions or different physical capabilities. Although Aboriginal people must be treated the same as other people, especially in the workplace, sometimes special treatment is needed to get a fair result.

[Naanigoding onakonigewin minose ji-aanjichigengiban gegoo. Gaawin memindage naanaasaab daadoodawindwaa awiyag minosesinoon. Daabishkoo awiya bakaan izhi-anami'aad gemaa gegoo bwaanawitood ji-doodang. Geget Anishinaabeg naasaab ji-izhichigaanindwaa memindage endananokiing, naanigoding idash bakaan ji-izhichigaanind ji-minosegiban.](#)

For example, a First Nations employer may choose to hire a qualified Aboriginal person rather than someone else. An employer may have a special program to hire Aboriginal people specifically. There has to be a good reason. Maybe there aren't enough Aboriginal people in that workplace or perhaps services are offered where it can be argued to have employees who come from the same cultural background.

Daabishkoo, enokii'iwed nawach odaa-mazina'ige'aan Anishinaaben apiich wiin bakaan awiyan. Maagizhaa atemagad izhichigewin odanokiiwining owe ji-doodang. Onjida gegoo ji-ayaad ji-doodang. Maagizhaa gaawiin minik ayaasiiwag anokii'aaganag anokiiwining gemaa wiidanokiimaawaa' anishinaabe', onjida anishinaabe' ji-mazina'ige'aad.

Where can you get help?

Aandi Ge-wiiji'igoyamban?

Community-based and other internal dispute resolution processes

Awiyaag ji-wiiji'iwewaad gechiwaag zhigwa mino-wiiji'idisigwaa ji-maamiinochigeng

Often, a situation can be solved quickly and easily within an organization or community. You can try to solve a dispute by:

Ningoding ako, gechiwaag anokiiwining gemaa gaa-okogamigizing daa-maamiinochigem gegoo maazhiseg. Gidaa-maamiinochige giishin:

- using a customary process, such as asking elders for guidance or using a healing circle; or
- biminizha'igaadeg onashowewin, daabishkoo gagwejjimadwaa geteyaadizag gemaa waawiyebi'iding gemaa gaye
- filing a grievance, if you have a union at your workplace.
- Mooshkinebii'aman onashowe mazina'igan giishpin giigidootamaagoowin ayaa gidanokiiwining.

If you file a complaint with the **Commission**, it will always look first to see how you have tried to solve the problem within your organization or community. If it is possible to deal with a **complaint** there, the Commission will, in most cases, tell you to do that before it will proceed with your **complaint**.

Giishin mooshkinebii'aman onashowe mazina'igan, nitam da-ganawaabanjigaade aaniin gaa-izhi-gagwe-maamiinochigeyan anokiiwining gemaa wekogamigizing. Giishpin inenjigaadeg ji-onashoweng, gaa-niigaanishkamowaad aanawenimigoowin onaakonigewin giga-wiindamaagoog nitam giin igo ji-gagwe-gwayakochigaadaman anokiiwining gemaa wekogamigizian.

But if this does not work, you have only 12 months from when the discrimination happened to file a complaint with the **Commission**. In some cases, such as illness, the **Commission** may extend the deadline.

Giishpin idash owe minosesinog, ningowaki gidayaan ji-mooshkinebii'igeyan apii aanawenimigoowin gaa-izhiseg. Naanigoding idash aakoziwin onji awashime daa-miinaa awiya ji-mooshkinebii'iged.

Mike's story continued

Mike odaanikeyaajimowin

A **human rights officer** from the **Commission** approached the Smiths and the Band to see if they could resolve their differences using the community-based dispute resolution process. The Pine Tree First Nations Dispute Resolution Circle has different tiers or levels, depending on the kind of dispute and what the parties hope to achieve. The Smiths and the Band decided to try the community model and to use a traditional process with an Elder as an independent third party. The federal government appointed an official to participate in the mediation. Within a week, they met with a committee and the Elder acted as a guide in the process. The committee consisted of a member living off the reserve, two members living on the reserve, a youth representative, and the Elder. The process was the same one the community always used to reach consensus.

Anokii'aagan Aanawenimigoowin onji ogii-andawaabamaawaa' Smith-a' zhigwa ogimaakaana' daga ji-maamiinochigeng gechiwaag ishkoni-ganing biminizha'igaadeg onashowewin. Iwe Pine Tree ishkoni-gan Waawiyebing Maamiinochigewin bebakaan ayizhichigem. Wegonen igo ji-maamiinochigaadeg gemaa wegonen noonde-izhichigewaad. Mii-sa Smith-ag zhigwa ogimaakaanag ogii-gojitoonaawaa' okogamigizing onashowewin aabaji'aawaad gichi-anishinaaben ji-wiidookaagenid. Gichi-ogimaawin ogii-izhinizhawaan awiyan ji-wiiji'iwenid. Gii-wiiji'iwewag awiya agwaji-aya'ii ishkoni-ganing onji, niizh ishkoni-ganing eyaawaad, oshkaadizid awiya zhigwa gichi-anishinaabe. Mii-go bezhigwan onashowewin gaa-aabajitoowaad ishkoni-ganing gaa-aabadak.

The Elder gave the Smiths a chance to tell their story and then the Band got an opportunity to respond. The Band was surprised that the Smiths were not asking for everything to happen overnight. They agreed to treat the school as a priority and then look at other facilities that could be adapted. The community gave its input and there was a discussion about the costs and the benefits to the community.

Gichi-anishinaabe ogii-inaa' Smitha' ji-dibaajimonid zhigwa ogimaakaanag gaye mii gaa-doodamowaad. Ogimaakaanag gii-maamakaadendamoo-g gaawiin gakina gegoo zhemaag ogii-andawendanziinaawaa' ji-izhisenig. Gii-debwetaam gikinoo'amaadiiwigamig nitam ji-aanjichigaadeg, mii imaa onji bebakaan gaa-ayizhaang. Gii-giigidowag ishkoni-ganing onji, gii-dazhinjigaade ge-inagindegiban zhigwa aaniin ge-izhi-minoseg ishkoni-gan onji.

The plan was for the Band and the Smiths to inspect the school and make a list of what needed to be done immediately and what retrofitting could be done as part of regular maintenance in future years. Then they did the same thing with the health unit and the recreation centre.

Gii-onashowem ogimaakaanag zhigwa Smith-ag ji-izhaawaad gikinoo'amaadiiwigamigong ji-zagakibii'igaadeg wegonen zhemaag ji-izhichigengiban ji-ani-dazhiikigaadeg ani-niigaan. Mii gaye gaa-izhichigewaad aakoziwigamigoonsing dago gaa-zhezhaawiing.

The Smiths felt that the Band's response to their son's needs was fair and decided to withdraw their **complaint**. They had to file a short letter notifying the **Commission** that they had come to an agreement

with the Band and wished to withdraw their **complaint**. The **Commission** agreed and closed the file.

Mii-sa Smith-ag gii-nayendamooog aaniin ogimaakaanag waa-izhichigewaad, mii-sa ogii-giishkinaanaawaa' odoonashowewiniwaa'. Oгии-ozhibii'aanaawaa' mazina'igan wiindamaagewaad gii-gwayakochigaadamowaad gaawiin memwech wii-onashowaanaasiwaawaa' ishkoniganing. Mii gaa-izhi-giba'igaadeg.

The Commission and the Tribunal

Aanawenimigoowin Wenashowewaad zhigwa Onashowewigimaag

The **Act** created both the Canadian Human Rights Commission (**Commission**) and the Canadian Human Rights Tribunal (**Tribunal**). Both organizations operate independently of each other and of the government.

Iwe Onaakonigewin ogii-onatoonan iwe Canadian Human Rights Commission (Aanawenimigoowin wenashowewaad) zhigwa Canadian Human Rights Tribunal (onashowewigimaag). Ezhi-niizhingin ono bebikish anokiiwag gaawiin gaye gichi-ogimaawin wiidanokiimaasiwaawaa'.

The **Commission**:

Wenashowewaad:

- deals with complaints of discrimination by **federally regulated** employers or service providers and sends them to the **Tribunal** for a hearing if more inquiry is needed.
- Odazhiikaanaawaa' aanawenimigoowin awiyag gichi-ogimaawin enokiitawaad gemaa diba'amawind ji-wiiji'iwed izhinizha'igaazowag onashowewigimaa' ji-bizindawindwaa.
- ensures that employers promote workplace equality for the four groups named in the *Employment Equity Act*: women, Aboriginal people, people with disabilities, and members of visible minorities.
- Enokii'iwed onjida gakina ezhi-niwiwinid wezhibiiwindwaa imaa Employment Equity Act onaakonigewining: ikwewag, Anishinaabeg, gaa-maakiziwaad zhigwa gaa-waabishkiiwewisigwaa:
- promotes an understanding of human rights and informs **federally regulated** organizations about respecting human rights in their organizations.
- Wiiiji'iwewag ji-gikenjigaadenig awiya ogashki'ewiziwin endananokiing zhigwa owiindamawaawaa' enokii'iwewaad aaniin ji-doodaminid.

The **Tribunal**:

Onashowewigimaag:

- holds hearings and decides on cases that the **Commission** sends to it.
- [Obizindawaawaa’ awiya’ aanawenimigoowin onji ezhinizamawindwaa.](#)
- makes orders to solve discrimination. In these roles, the **Tribunal** is like a court.
- [Odoonaakonaanaawaa’ ji-gwayakochigeng. Daabishkoo gaa-onashoweng izhise.](#)

For more on the **Tribunal**, see “What Happens Next? A Guide to the Tribunal Process” at www.chrt-tcdp.gc.ca. Click on “Tribunal Rules and Procedures” and then on “What Happens Next? A Guide to the Tribunal Process.”

[Geyaabi noonde-gikendaman onashowewigimaawin, inaabin “What Happens Next? “Aaniin ezhiseg zhigwa?” Mazina’igan ozhibii’igaadeg aaniin ayendoodamowaad imaa www.chrt-tcdp.gc.ca. Maagonan iwe “Tribunal Rules and Procedures” mii zhigwa “What Happens Next?” A Guide to the Tribunal Process.”](#)

Making a complaint to the Commission

[Aaniin ji-izhichigeyan ji-onashowaangeyan](#)

If you believe you have been a victim of discrimination, you can contact the **Commission** in writing or by telephone. Staff will give you basic information about the **Commission’s** services and tell you if it can deal with your **complaint**.

[Giishpin inendaman gegoo onji aanawenimigooyan, gidaa-ganoonaag Aanawenimigoowin enokaadamowaad, gidaa-ozhibii’amawaag gemaa giigidowin gidaa-izhi-ganoonaag. Anokii’aaganag giga-wiindamaagoog aaniin ezhichigewaad daga gaye ji-wiiji’ikwaapan.](#)

Only people who are in Canada legally—or someone acting for them—can file a **complaint**. You must file a **complaint** within 12 months of the event or situation that you are complaining about. Your **complaint** must describe the action or decision that you think is a **discriminatory practice**, the **grounds of discrimination**, and how the **discriminatory practice** affected you.

[Awiya eta Kaanada izhi-dibendaagozid-gemaa awiya giigidootamaagod-daa-mooshkinebii’ige. Gidaa-gashkitoon ji-mooshkinebii’igeyan wii-onashowaanad awiya jibwaa ningowaki giizhaginzod apii aanawenimigoowin gaa-izhiseg gemaa iwe wenji-onashowaangeyan. Ji-wiindamaageyan aaniin gaa-izhiseg gemaa wenji-inendaman ji-onji-onashowaangeyan, wegonen onji, zhigwa gaye aaniin gaa-doodaagooyan iwe izhichigewin.](#)

Not all unfair situations are valid human rights complaints. A **complaint** requires **grounds of discrimination**, a **discriminatory practice**, and a negative effect on you.

[Gaawiin gakina mooshkinebii’igewinan odaapinigaadesinon. Onjida ji-debwechigaadeg ji-onashowaanad awiya, gegoo maanidoodaagewin, gemaa gii-maanidoodaagooyan.](#)

Complaint = grounds of discrimination + discriminatory practice + negative effect on you

Maminzhigewin=wenji-onashowaangeyan + maanidoodaagewin + maanidoodaagoowin

You can file a complaint on behalf of others as long as you have their consent.

Gidaa-mooshkinebii'ige bakaan awiya onji giishpin iwe inendamowaad.

A **human rights officer** will encourage you to try to solve the problem by using an internal dispute resolution in your workplace or community.

Anokii'aagan aanawenimigoowin enokaadamowaad onji giga-wiindamaag gechiwaag ji-gagwe-gwayakochigengiban anokiiwining gemaa ishkoniganing.

Filing a complaint'

Wii-onashowaangeyan

A **human rights officer** will send you a kit with instructions on how to prepare the **complaint** form. If you need help completing the form, you can ask the **human rights officer**, a family member or friend to help you. You don't need a lawyer to file a **complaint**. If there is anything you do not understand, you can ask the **human rights officer** for help.

Awe anokii'aagan giga-izhinizha'amaag gegoo ji-wiiji'igoyan aaniin ji-izhi-mooshkinebii'aman mazina'igan. Giishpin nandawendaman ji-wiiji'igoyan ji-mooshkinebii'igeyan, gidaa-gagwejimaa anokii'aagan, inawemaagan gemaa giijiwaagan. Gaawin memwech naadamaagewinini ginandawenimaasii. Giishin gegoo nisidotanziwan, anokii'aagan gagwejim.

If the **Commission** accepts your **complaint**, the person or organization that you are complaining about (**respondent**) will receive a copy, so they will know about it. The **Commission** is impartial—it doesn't take your side or the **respondent's**.

Giishpin odaapinigaadeg gidoonashowaangewin, awe gaa-onashowaanad oga-odisigon mazina'igan ji-gikenimoonindwaa. Gaan awiya nawach da-wiiji'aasii-giin gemaa awe gaa-onashowaanind.

In some cases, there may be a reason why the **Commission** cannot proceed further with your complaint. The **human rights officer** may write an initial report asking the Commission to make a decision **to deal** or **not to deal with** your complaint. The Commission will need to make this decision where:

Aanind owe izhichigeng, maagizhaa gegoo onji wenji-odaapinanzigwaa gidoonashowewin. Anokii'aagan oga-izhinizha'amawaa aanawenimigoowin enokaadamowaad daga wii-odaapinamowaad gemaa wii-odaapinanzigwaa gidoonashowewin. Daa-izhichigem owe giishin:

- there are other grievance or review procedures reasonably available.
- Bakaan gegoo onate ji-aabadak ji-maamiinochigengiban.
- there are other more suitable procedures.
- Nawach bakaan izhichigeng daa-minose.
- the **complaint** is not based on a ground, or is not **federally regulated**.
- Gaawiin gegoo ji-onji-onashowaadeg gemaa gaawiin onaakonigaadesinoon.
- the 12-month period has expired.
- Onzaam ginwezh gigii-biiw.

You can send in your comments before the **Commission** makes this decision, and Commission members will read them along with the report, and any comments sent in by the respondent.

Gidaa-ozhibii'amawaag gaa-niigaanishkamowaad aanawenimigoowin jibwaa giizhashowewaad, oga-gigi-anamitoonaawaa' apii anamitoowaad gidoonashowewin bigo sago gegoo ozhibii'amawindwaa.

Retaliation

Diba'ige'aawin

When you file a **complaint**, the **Act** says that no one can **retaliate** or take action against you because of the **complaint**. If someone does that, you can file a new **complaint**. Contact the **human rights officer** immediately to find out what you can do. If the person's action is criminal, call the police as well. Document your case—keep a written record of the action, including times, places and witnesses, and explain why you think the incident is **retaliation**.

Apii mooshkinebii'igeyan, onaakonigewin izhisin gaawiin awiya gidaa-gagwe-diba'ige'igoosii owe izhichigeyan. Giishpin awiya owe doodang, gidaa-oshki-mooshkinebii'ige miinawaa. Zhemaag gidaa-ganoonaa anokii'aagan ji-gikendaman aaniin ji-doodaman. Giishin awe gaa-gagwe-diba'ige'ig bookonang onaakonigewin, odaapiniwewininiwag gidaa-ganoonaag gaye. Ozhibii'an endoodaagooyan-zagakibii'an aaniin ayizhichigeng, aanapii, aandi imaa, awiya gekendang ezhiwebiziyan, wiindamaagen aaniin wenji-inendaman awiya gagwe-diba'ige'ig.

How does the Commission deal with complaints?

Aaniin ezhichigeng awiya maanidoodawind?

The **Commission** tries to resolve complaints at the earliest stage possible, as that is a good outcome for you, the respondent, and the Commission. If a **complaint** cannot be resolved, then it is usually assigned to a **human rights officer** to do an investigation. However, a **complaint** can

be settled at any stage in the process. Most of the time, the **Commission** will deal with your **complaint** by:

Owe gaa-inanokiiwaad zhemaag gegoo onoonde-maamiinotoonaawaa', mii aaniish owe geminosegiban giin onji zhigwa ge-onashowewaad. Giishpin maamiinochigaadesinog ezhiwebiziyan, anokii'aagan da-miinaa ji-andooshkang gidoonashowewin. Bigo apii dash daa-giizhashwaajigaade gidoonashowewin. Nasine dash, enokaadamowaad aanawenimigoowin oga-odaapinaanaawaa' gidoonashowewin giishin:

1. Assigning a mediator to help the parties solve the dispute. A mediator is a neutral professional trained to help people solve problems. If the mediation works, you and the **respondent** will sign an agreement about what each of you agrees to do. This is called “reaching a settlement”. The **Commission** will review the settlement to ensure that it is fair and appropriate to both sides. The **Commission** can also monitor the settlement to ensure both sides do what they promise.

±2. Awiya ji-niigaaniid onaakonang owe onashowewin. Da-gikendaaso ge-niigaaniid ji-wiiji'aad awiya' gwayakochigenid. Giishpin nayendamowaad gaa-onashowaanidiwaad, ji-jakibii'ameg mazina'igan wegonen debwetameg. Mii owe “nayendaamin giizhaakonigewin” ezhinikaadeg. Da-ganawaabanjigaade iwe giizhaakonigewin daga ezhi-niizhiwaad minosewaad. Da-ganawaabanjigaade gaye daga ezhi-niizhiwaad biminizha'amowaad giizhaakonigewin.

Settlement examples

Aaniin gaa-izhisewaad

Example 1:

1 Izhiwebiziwin:

Grounds: Race, national or ethnic origin

Onji: Endanookaaniwiwin gemaa bakaan ondakiiwin

Area: Employment

Wegonen onji: Anokiiwin

Sector: Federal public service

Aandi imaa: Gichi-ogimaawin anokiiwin

Allegation: The complainant participated in a training program. He said that one of the instructors made derogatory comments about his Aboriginal heritage, tried several times to remove him from the program and forced him to leave on the last day, although he had successfully completed all parts of the program.

Enaamingeng: Noonde-onashowaajiged gii-wiijiwe gikinoo'amaagewining. Gii-ikido anoojigo gii-inaa' Anishinaabewid, gii-gagwe-bagidinaa imaa gaa-wiijiwed, apii

giizhisenig ogii-bagidinigoon aanagii-giizhitood gakina ogikinoo'amaagewin.

Settlement: Official recognition of his successful completion of the program.

Giizhaakonigewin: Ji-miinind mazina'igan gii-giizhitood ogikinoo'amaagewin.

Example 2:

2 Izhiwebiziwin:

Grounds: Race, national or ethnic origin, disability

Onji: Endanookaaniwiwin, bakaan ondakiiwin, maakiziwin

Area: Provision of services

Wegonen onji: Wiji'iwewin Anokiiwin

Sector: Transportation

Aandi imaa: Bimiwizhiwewin

Allegation: The complainant, an Aboriginal woman, has rheumatoid arthritis. She said that, while she was travelling with her children, an attendant harassed her and her family and treated them differently from other passengers during their journey.

Enaamigeng: Gaa-onashowaajiged, Anishinaabekwe gii-okanaapine. Gii-ikido megwaa babaamiwinaad onijjaanisa', gaa-bimenimaad bebaa-ayaanid ogii-nibaaji'ikaagoon dago onijjaanisa', bakaan gii-doodawaawag gaawiin daabishkoo ini gaa-gii-wiijiiwaawaad.

Settlement: Financial compensation and a letter of apology.

Giizhaakonigewin: Gii-diba'amawaawag gii-ozhibii'amawaawag minjinawezing.

3. 2.—Assigning a human rights officer to investigate. The **human rights officer** will speak with you and the **respondent**, interview witnesses and review any supporting documents. Then the **human rights officer** makes a report to the **Commission**, with the information, and recommends either that your complaint be dismissed or that it be referred to the Tribunal. You can send in a letter so that the **Commission** members know what you think about the report when they are making this decision.
4. Anoonind anokii'aagan ji-andooshkang. Giga-gaganoonig anokii'aagan zhigwa awe wenashwaanind, zhigwa awiyag gekendamowaad ayizhisenig zhigwa da-ganawaabanjigaadewan ozhibii'igaadeg wendashoweng onji. Anokii'aagan oga-ozhibii'amawaa enokaadamonid aanawenimigoowin aaniin ayizhisenig. Da-wiindamaagem daga wii-odaapinigaadesinog gemaa onashowewigamaag ji-izhinizha'amawindwaa gidoonashowewin. Gidaa-ozhibii'amawaag gaa-niigaaniiwaad jigikendamowaad aaniin enendaman odoonashowewiniwaa' megwaa onashowewaad.

2. **3.**—Sending the **complaint** to the **Tribunal**. When that happens, the **Commission** no longer controls the **complaint**. The **Tribunal** will hold a hearing. It will ask you and the **respondent** to hand in documents and call witnesses to support your arguments.
3. Izhinzhawind onashowewigimaa' wenashowaaajged. Apii iwe izhiseg, gaawiin awashime giga-wiidanokiimaasiig gaa-niigaanishkamowaad aanawenimigoowin. Onashowewigimaag da-onashowewag. Giin dago wenashowaanad gimazina'iganiwaan ji-miinadwaa zhigwa ji-ganoonadwaa gekendamowaad ezhiwebizyan.

After the hearing, the **Tribunal** will decide whether there has been discrimination. The **Tribunal** can:

Apii giizhashoweng, onashowewigimaag oga-onaakonaanaawaa' daga ji-maanidoodaageng. Onashowewigimaag odaa-:

- dismiss the **complaint**, or
- bagidinaanaawaan gidoonashowewin; gemaa
- find that there has been discrimination and order payment or other action (called corrective measures) to resolve the discrimination.
- Mikaanaawaa' geget gii-maanidoodaageng, gii-inaakonigewag ji-diba'igeng gemaa bakaan gegoo ji-izhichigeng (gwayakochigewin) ji-maamiinochigeng.

Corrective measures can include making the **respondent**:

Daa-maamiinochigaanaa' gaa-maanidoojiged:

- change its rules and policies or create an anti-harassment policy.
- Ji-meshkwajichigaadenigin onashowewinan gemaa ozhiton onaakonigewin ji-maanidoojigesiing.
- pay you lost wages or give you your job back.
- Ji-diba'amaag gemaa neyaab ji-anokii'ig.
- learn more about human rights.
- ji-gikendang ezhi-gashki'ewiziwind bemaadizid.
- pay you for pain and suffering and any losses caused by the **discriminatory practice**.
- Ji-diba'ang gii-gagwaadagitooyan dago gegoo gii-wanichigeyan iwe gii-doodaag.

If the **Commission** feels that the **complaint** deals with a matter of **public interest**, it can also appear before the **Tribunal** to represent the **public interest**.

Giishin giizhaakonigewin inenjigaadeg bigo awiya owiiji'igon giizhaakonigewing, daa-inaakonaa' ji-ozhigaabawitawaad onashowewigimaa' gakina awiya onji.

The complaints process is not public. All written information is kept on file for the **human rights officer** to prepare a report for the **Commission**. But if the **complaint** goes to the **Tribunal** or Federal Court, the documents become public.

Gaawiin gikenjigaadesinoon aaniin ezhichigeng onashoweng. Gakina gegoo wezhibii'igaadeg anokii'aagan odayaanan ji-zagakibii'ang gaa-niigaanishkaminid onji. Giishpin idash gaa-onashowenged onashowewigimaa onashowenid, bigo awiya oadaa-waabandaanan mazina'iganan.

What if you disagree with the Commission or the Tribunal?

Aaniin Ge-doodaman debwetanziwan ogiizhaakonigewiniwaa' dezhiikamowaad?

You can ask the Federal Court to review the decision. If the Federal Court agrees with you, it will send the case back to the **Commission** or the **Tribunal** to look at it again. The Federal Court cannot change the decision.

Gidaa-gagwejjimaa gichi-onashowewigimaag ji-ganawaabandamowaad. Giishin debwetookwaa, neyaab oga-azhegiiwenizha'anaawaa' enokiitaminid aanawenimigoowin zhigwa onashowewigimaag ji-ganawaabandamowaad miinawaa. Gaawiin aaniish gichi-onashowewigimaag oadaa-aandaakonanziinaawaa'.

The Act and Aboriginal People

Onaakonigewin zhigwa Anishinaabeg

In 2008, the federal government repealed, or cancelled, Section 67 of the **Act**. Section 67 prevented anyone from filing a **complaint** about anything related to the *Indian Act*. Now that Section 67 is gone, Aboriginal people can file a human rights **complaint** against the federal government if the *Indian Act* or policies made under the *Indian Act* cause discrimination.

2008 gaa-akiiwang, gichi-ogimaawin ogii-aandaakonaanaawaa' gemaa ogii-giishkinaanaawaa' onaakonigewining Section 67. Imaa Section 67, gaawiin awiya oadaa-gii-onashowaanaasiin awiyan imaa Indian Act inaakonigewining etemagak. Mii zhigwa gii-giishkinigaadeg, Anishinaabeg ogashkitoonaawaa' ji-onashowaanaawaad gichi-ogimaawin imaa onji Indian Act inaakonigewining gemaa onaakonigewinan gaa-aabadakin aanawenimigoowin onji.

Starting June 18, 2011, Aboriginal people will also be able to file a human rights **complaint** against First Nations governments and **federally regulated** Aboriginal organizations if their acts or decisions under the *Indian Act* are a **discriminatory practice**. For example, denying a certificate of possession or a certificate of education under the *Indian Act* would be a **discriminatory practice** if a **complainant** can show that it's because of a prohibited **ground of discrimination**, like family status.

Maadaginod June 18, 2011, Anishinaabeg zhidwa oada-gashkitoonaawaa' ji-onashowaanaawaad wiijanishinaabemiwaa' abooshke anokiitawaanid gichi-ogimaan giishpin aanawengewaad Indian Act onakonigewining onji. Daabishkoo, miinaasiwind awiya mazina'igan gegoo dibendang gemaa mazina'igan gii-giizhitood ogikinoow'amaagewin, daa-onashowaajigaade iwe memindage wenashowaajiged waabanda'iwed bookonigaadenig onakonigewiun daabishkoo aaniin ezhi-inawenged.

Human rights decisions involving First Nations need to recognize Aboriginal and Treaty rights. For **complaints** about a First Nation government or service organization, the **Commission** and the **Tribunal** can consider the customary law of the First Nation. They need to balance collective and individual rights from a First Nation perspective, while respecting gender equality.

Onashoweng awiya maanidoodawind, ji-gikenjigaadeg Anishinaabeg gashki'ewiziwag agwi'indwaa. Maanidoodamowaad Anishinaabeg gaa-aginzowaad gemaa ji-wiiji'iwewaad odanokiiwiniwaang, gaa-niigaanishkamowaad onakonigewin maagizhaa oada-aabajitoonaawaa' Anishinaabe onakonigewin. Ji-ganawaabandamowaad aaniin gakina Anishinaabeg gemaa nenishikewiziwaad ezhi-gashki'ewiziwaad abooshke ikwewiwaad gemaa ininiwiwaad.

Where can you get more information?

Aandi geyaabi ge-ondinaman gegoo noonde-gikendaman?

For more information about the **Commission** and its services, visit the website at www.chrc-ccdp.gc.ca or call toll free 1-888-214-1099.

Geyaabi gegoo noonde-gikendaman ingi aanawenimigoowin enokaadamowaad, inaabin imaa www.chrc-ccdp.gc.ca gemaa izhi giigidon diba'igesiing 1-888-214-1099.

Provincial and Territorial human rights agencies

Gechiwaag eyaayan enokiitamowaad aanawenimigoowin maanidoodaazhiwewin.

Organization <u>Endananokiing</u>	Website <u>Maagoniganing</u>
Alberta Human Rights Commission	www.albertahumanrights.ab.ca
British Columbia Human Rights Tribunal	www.bchrt.bc.ca
Manitoba Human Rights Commission	www.gov.mb.ca/hrc
New Brunswick Human Rights Commission	www.gnb.ca/hrc-cdp

Newfoundland & Labrador Human Rights Commission	www.justice.gov.nl.ca/hrc
Northwest Territories Human Rights Commission	www.nwthumanrights.ca
Nova Scotia Human Rights Commission	www.gov.ns.ca/humanrights
Nunavut Human Rights Tribunal	www.nhrt.ca
(Ontario) Human Rights Tribunal of Ontario (Ontario) Human Rights Legal Support Centre	www.hрто.ca hrlsc.on.ca
Prince Edward Island Human Rights Commission	www.gov.pe.ca/humanrights
(Québec) Commission des droits de la personne et des droits de la jeunesse	www2.cdpdj.qc.ca/en
Saskatchewan Human Rights Commission	www.shrc.gov.sk.ca
Yukon Human Rights Commission	www.yhrc.yk.ca

Other human rights laws

[Miinawaa aanind onaakonigewinan](#)

The *Canadian Charter of Rights and Freedoms* (Charter) is part of the Canadian Constitution. It guarantees broad equality rights and other fundamental human rights and freedoms. It applies to governments, but not to organizations, businesses, or people. Learn more on the Charter at www.pch.gc.ca/pgm/pdp-hrp/canada/guide/index-eng.cfm.

[Ini Canadian Charter of Rights and Freedoms \(Charter\) onaakonigewinan gigatewan imaa Gichi-onaakonigewining Canadian Constitution gaa-ijigaadeg. Onjida ji-biminizha'igaadegin ono onaakonigewinan ji-maanidoodawaasiwind awiya bigo gegoo onji. Abooshke ogimaawining gaa-aginzowaad gaawiin dash wiin bebakaan aanind endananokiing gemaa aanind awiyag. Geyaabi gegoon noonde-gikendaman inaabin www.pch.gc.ca/pgm/pdp-hrp/canada/guide/index-eng.cfm.](#)

The United Nations has made many human rights statements, including the *2007 United Nations Declaration on the Rights of Indigenous Peoples* (Declaration). The Declaration confirms that all indigenous people are entitled to individual equality rights and to collective equality rights as members of First Nation or other Aboriginal peoples. The Declaration recognizes the right of

indigenous peoples to self-determination. Learn more on the Declaration at www.un.org/esa/socdev/unpfii/en/declaration.html.

Ingiwe United Nations, miziwekamig niibowa bi-onaakonigewag daabishkoo iwe 2007 United Nations on the Rights of Indigenous Peoples (Declaration) gaa-onaakonamowaad. Iwe onakonigewin ikidoomagad gakina Anishinaabeg gashki'ewiziwag ji-maanidoodawaasiwindwaa bigo imaa wendakiiwaad. Zhigwa miinawaa, onakonigewining izhisin gewiinawaa Anishinaabeg odaa-noojitoonaawaa' bigo wii-izhigaabawiwaad. Geyaabi gegoon noonde-gikendaman inaabin www.un.org/esa/socdev/unpfii/en/declaration.html.

Glossary

[Ikidowinan](#)

Act

[Onaakonigewin](#)

The *Canadian Human Rights Act*

[Kaanada akiing Onaakonigewining gashki'ewiziwinan](#)

Commission

[Enokaadamowaad](#)

The Canadian Human Rights Commission, an organization under the Act

[Enokaadamowaad Aanawenimigoowin beminizha'amowaad onaakonigewin](#)

Complainant

[Wenashowaanged](#)

A person who makes a complaint under the Act

[Awiya mooshkinebii'ang wii-onashowaanaad awiyan onaakonigewining onji](#)

Complaint

[Maanidoodaagewin](#)

A complaint under the Act

[Maanidoodaagewin onaakonigewining onji](#)

**discriminatory
practice**

[Aaniin ezhichigeng
anawengeng](#)

The following are examples of discriminatory practices when they are based on one of the grounds of discrimination:

[Ono aanind gegoon ge-onji-onashowaanindiban awiya maanidoodawind awiya bookonang onaakonigewin:](#)

- denying someone goods, services, facilities or accommodation
- [gidanokiiwining ji-wiiji'ad awiya gaawiin idash giwiiji'aasii gemaa gidaanawenimaa ji-wiiji'ad](#)
- refusing to employ or continue to employ someone or treating them unfairly in the workplace
- [anokii'aasiwad awiya gemaa bagidinad anishaa awiya gemaa gimaanidoodawaa endananokiid](#)
- paying men and women differently when they are doing work of the same value
- [awashime diba'amawadwaa ininiwag apiich ikwewag ambe bezhigwan inanokiiwag](#)
- following policies or practices that deprive people of employment opportunities
- [biminzha'aman onashowewinan ji-mazina'ige'aasiwindwa awiyag](#)
- communicating hate messages on the telephone or through the Internet
- [anoojigo inaapinamad awiya giigidowining gemaa maagoniganing](#)

- harassing someone
- [nibaaji'ikawad awiya](#)
- retaliating against a person who has filed a complaint with the Commission or someone who has filed a complaint for them
- [gagwe-diba'ige'ad awiya wii-onashowaanig gemaa awiya wiji'aad awiyan ji-onashowaangenid](#)

**duty to
accommodate**
[Maamiinochigewin](#)

The duty of an employer to make changes in the workplace to accommodate a person with special needs or for a service provider to adapt the way service is provided

[Enokii'iwed ji-aanjitood endananokiing ji-wiji'aad odanokii'aaganan gegoo izhi-maakizinid gemaa awenena' awiya enokiitawaad odanokiiwining](#)

federally regulated
[Gichi-ogimaa\(win\)](#)
[obimendaan](#)

The Act applies to federally regulated employers and service providers. These include:

[Iwe onaakonigewin ji-biminizha'amowaad gichi-ogimaan enokiitawaawaad daabishkoo:](#)

- federal departments, agencies and Crown corporations
- [gichi-ogimaawin anokiiwinan enokiitamaageng gaye](#)
- chartered banks
- [zhooniyaawigamigoon](#)
- airlines
- [bemaashiwewaad](#)
- television and radio stations
- [mezinaateseg dago noondaagomochigan enokiing](#)
- interprovincial communications and telephone companies
- [giigidowinan bebakaan akiikaanan onji zhigwa giigidoobiiwaabikoonsan](#)
- interprovincial transportation companies, like buses and railways that travel between provinces
- [bebakaan gaa-bimiwizhiwewaad daabishkoo bimiwizhiwe odaabaanan, ishkodewidaabaanan aayaazhoog akiikaanan ayizhaang](#)
- First Nations governments and some other First Nations organizations
- [Anishinaabeg ogimaawinan dago aanind Anishinaabeg endananokiiwaad](#)
- other federally regulated industries, like some mining companies
- [aanind gichi-ogimaawin bemendang daabishkoo biiwaabikokeng](#)

**grounds of
discrimination**
[Ge-onji-](#)
[onashowaangeng](#)

- race
- [endanookaaniwiwin](#)

- national or ethnic origin
- [bakaan ondakiiwin](#)
- colour
- [enazhagewin](#)
- religion
- [gidanami'aawin](#)
- age
- [endasobiboonewin](#)
- sex
- [aweneniwing](#)
- sexual orientation
- [wijikaaniwiwin](#)
- marital status
- [wiji-ayaangeng](#)
- family status
- [enawengeng](#)
- disability
- [maakiziwin](#)
- a conviction for which you have been granted a pardon
- [gii-gaasiibii'igaadeg gii-bookonaman onaakonigewin](#)

human rights officer
[Anokii'aagan](#)
[aanawenimigoowin](#)
[onji](#)

A Commission employee who is professional and has expertise in human rights
[Enokaadamowaad Aanawenimigoowin anokii'aagan onji gekendaasod awiya maanidoodawind](#)

public interest
[Bigo awiyag ji-](#)
[wiiji'ikopan](#)

A matter is in the public interest when there are concerns about public policy or public values
[Gegoo bigo awiya onashowewin ge-wiiji'ikopan gemaa onaakonigewin](#)

Respondent
[Wenashowaanind](#)

The person or organization against whom a complaint is made
[Awiya gemaa endananokiing wenashowaanind](#)

retaliate or retaliation
[Diba'ige'aawin](#)

A negative act or behaviour by or on behalf of the respondent as a result of a complaint filed with the Commission
[Awiya gegoo gagwe-doodawaad awiyan gii-mooshkinebii'igenid wii-onashaangenid maanidoodaazhiwenid](#)

Tribunal
[Onashowewigimaag](#)

The Canadian Human Rights Tribunal, an organization under the Act
[Ingi onashowewigimaag gaa-onaakonigewaad onaakonigewining onji](#)

undue hardship
[anishaa](#)
[migoshkaaaji'iwewin](#)

Circumstances involving cost, health or safety that would make it impossible or very difficult for an employer to meet the duty to accommodate

Gegoo ji-agindegin, mino-ayaawin onji gema naniizaanichiged awiya o daa-zanagi'aa n gema o daa-migoshkaaji'aa enokii'iwenid ji-aanjjichiged gegoo odanokii'aaganan onji.