Human Rights

Human rights complaints against Canadian employers are increasing – and keeping up-to-date with fast-changing laws, policies and practices can be a challenge.

Our lawyers are well versed in human rights legislation across the country. In addition to defending employers against human rights complaints, we educate and provide tools to help avoid future difficulties.

We assist clients with day-to-day advice on human rights applications. Our expertise includes:

- defending against human rights complaints
- dealing with Human Rights Tribunal and other local commissions and federal tribunals
- defending against grievances/complaints brought under human rights legislation

We also have experience dealing with duty-to-accommodate complaints in the workplace and from healthcare patients, including responding to grievances and applications before human rights tribunals and in grievance arbitrations. Our experience includes:

- preparing detailed written responses to human rights applications, case analyses and investigative reports
- representing a range of clients at mediations, investigations and fact-finding sessions
- thorough knowledge of the commissions and tribunals process

We represent clients in human rights complaints related to the provision of services, and conduct investigations.

Experience

- Air Canada before the Canadian Human Rights Tribunal in a matter raising, for the first time, the constitutionality of the Canadian Human Rights Benefits Regulations, specifically, that the regulations allow disability benefits to cease at the age of 65 or pensionable age, and whether that violates the Canadian Charter of Human Rights and Freedoms.
- Bell Canada in a case of an employee who filed a complaint under section 7 of the *Canadian Human Rights Act*. Employed by Bell since 1990, her position was abolished as part of a restructuring process that affected 2500 employees. The complainant could not prove prima facie that her dismissal was based on discrimination. The Canadian Human Rights Act does not impose on an employer any duty to accommodate unless prima facie discrimination within the meaning of the act is shown (O'Grady v. Bell Canada).

BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 800 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

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